

RAMA DIOP
527 Hillside Avenue
Mill Valley, CA 94941
(415) 755-8485

Pro Se Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAMA DIOP,
Plaintiff,
vs.
COUNTY OF MARIN, ET AL,
BOARD OF SUPERVISORS
MARIN COUNTY HEALTH AND HUMAN
SERVICES, ET AL
(Larry Meredith; Heather Ravani;
Jo McCormack; Hadar Hartshorn;
Thereza Higuera;
CITY OF MILL VALLEY, ET AL
MILL VALLEY POLICE, ET AL
VARIOUS GOVERNMENTAL AGENTS,
OFFICERS, EMPLOYEES, ET AL
(Michael Lane; Scott Brooks;
David Kollerer)
MARIN COUNTY SUPERIOR COURT, ET
AL (Lynn Duryee; Alexandra Quam;
Verna Adams; Beverly Wood; Gloria
Wu; Roy Chernus; Kim Turner)
MARIN COUNTY BAR ASSOCIATION
(Beth Jordan; Alexandra Quam,
Tracy Barrett); Pending
Amendment: Don A. Lesser; Russell
K. Marne; Stuart Gilliam; Thomas
Gellini; AAA Insurance)
RICHARD MEREDITH OWENS

) Case No.: CV 12-06332 JSW
)
) CONTINUOUS CIVIL RIGHTS
) VIOLATIONS OF STATUTORY AND
) CONSTITUTIONAL RIGHTS 42 U.S.C.
) §§1983, 1985, and 1986, 5th and
) 14th AMENDMENTS, CALIFORNIA
) CONSTITUTION ARTICLE I §7(A),
) DEFAMATIONS, SLANDERS, WRONGFUL
) IMPRISONMENTS, FALSE ARREST, LACK
) OF JURISDICTION, DUE PROCESS
) VIOLATIONS, WRONGFUL INTERFERENCE
) WITH ECONOMIC ADVANTAGE, FRAUDS,
) MALICES, OPPRESSIONS, INTENTIONAL
) INFLICTIONS OF EMOTIONAL
) DISTRESS, TORTS, HUMAN RIGHTS
) VIOLATIONS, HARASSMENTS, CIVIL
) CONSPIRACIES TO DEPRIVE OF CIVIL
) RIGHTS, DISCRIMINATION UNDER
) COLOR OF LAW, EQUITABLE RELIEFS:
) DECLARATORY AND INJUNCTIVE
) RELIEFS, DAMAGES, MALICIOUS
) PROSECUTIONS, SLAPP,
) ABUSE OF PROCESS,
) INTENTIONAL MISREPRESENTATIONS,
) CONCEALMENTS, ASSAULTS,
) BATTERIES, OBSTRUCTIONS OF
) JUSTICE, ABUSES OF PROCESS,
) INEFFECTIVE ASSISTANCE OF
) COUNSEL, DEPRIVATION OF RIGHT TO
) ADEQUATE REPRESENTATION AND
) APPELLATE ATTORNEY
) PERJURY FRAUD ON THE COURT,
) OBSTRUCTION OF JUSTICE,
) DEPRIVATION OF REPRESENTATION

JURY TRIAL REQUESTED

Emergency request for Disqualification of Defendant Beverly Wood from FL064080;
Stay of All Actions pending change of venue outside of Marin County upon filing
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1 PRELIMINARY MATTERS

2 To each party and to Counsels of Record for each party: As a
3 preliminary matter, this Pro Se litigant respectfully requests that
the court takes judicial notice of the following:

4 Pleadings in this case are being filed by Plaintiff In Propria
5 Persona, wherein pleadings are to be considered without regard
6 to technicalities. Propria, pleadings are not to be held to
the same high standards of perfection as practicing lawyers.
7 See Haines v. Kerner 92 Sct 594, also See Power 914 F2d 1459
(11th Cir 1990), also See Hulsey v. Ownes 63 F3d 354 (5th Cir
8 1995). also See In Re: HALL v. BELLMON 935 F.2d 1106 (10th
Cir. 1991)."

9 DIOP respectfully moves this court for a continuance of the
10 amended filing deadline in order to allow her to do more research
and to brief the court in a manner that would assuage its lack of
11 understanding about DIOP's complaint. Due to the complexity of the
12 case, DIOP does not relinquish her constitutional right to fair and
adequate representation especially given the imbalanced legal
13 arena. Defendants have access to City and County Counsels, or
private attorneys while Plaintiff does not have the financial
14 resources yet to retain able counsel. DIOP appreciates the court's
earlier extension and has taken note of the court's directions.
15 However, DIOP's financial status requires the assistance of a pro
bono or contingency lawyer, which is harder to come by.
16

17 DIOP endeavored to seek self-help legal assistance through
(415) 782-9000 EXT 8657 according to the flyer (**EXHIBIT 1**). DIOP
18 received no answer and then was referred to the legal referral
service (415) 989-1616, where Julian (sic) the female clerk said
19 had little to no help in civil matters excluding federal cases. It
is only on the last week that DIOP was able to find the self help
20 lawyers that the court alluded to upon visiting the clerk's office
and wrongfully getting on the 15th floor where Diop discovered the
21 legal self help center and took an appointment this week. DIOP
22 incidentally noted that a different flyer was available with
updated numbers of the self-help office (**EXHIBIT 2**). Unfortunately,
23 as DIOP prepared to head to the center to obtain counsel, she was
advised that the staff had an inconvenience and to not come to the
24 appointment. Based on all these delays, DIOP respectfully requests
25 an extension to try at best to obtain legal assistance to clarify
her complaint in accordance with the court's guidelines and
26 recommendations.

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As DIOP is still recovering from recurring cardiac issues upon being exposed to the flu and back pains, arthritis, and ovarian cyst causing severe cramps that hinder long sitting periods for the purpose of researching and redrafting this complaint. Additionally, DIOP had been attending to her son over the winter break owing to OWENS'S out of State illegal travel plans and the child's subsequent influenza that kept him out of school for a week. This spanned from late December into January 13. Plaintiff also experienced severe allergies and sneezing that worsened her stiff neck. DIOP reiterates her need for legal assistance given the emotional toll that stems merely from revisiting the series of horrendous abuses that she had endured over the years.

In the interim, DIOP reincorporates by reference the pertinent laws that she ran across as stated by an attorney's qualified perspective regarding family law issue in 13cv 1944 CAB SOUTHERN DISTRICT OF CALIFORNIA (BLM) for its highly pertinent points and laws relevant to DIOP's present complaint. This also suggests that DIOP's case present additional causes of actions such as RICO and know or DOES Defendants that she attempt to highlight briefly in this draft but which will require a separate complaint for clarity. In an effort to make iterations DIOP may have overlooked previously stated facts or causes of actions or Defendants. This is inadvertant and henceforth, Diop reicorporates as though fully set all allegation of earlier complaint drafts; all causes of actions to each other; and pertinent allegations of related civil case civ 085835 and FL064080 or other cases involving the parties or actions.

1. PARTIES IN THIS COMPLAINT

A. PLAINTIFF

Name: RAMA DIOP (DIOP)
Address: 527 Hillside Avenue, Mill Valley, CA 94941
Phone: (415) 755-8485

b. DEFENDANTS

COUNTY OF MARIN, ET AL,

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

MARIN COUNTY HEALTH AND HUMAN SERVICES, ET AL

Defendant County of Marin (COM) is a municipal entity existing within and doing business as the County of Marin within the

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District. The County operates the facilities, and certain services for the Marin County Superior Court, the Mill Valley Police, and the Marin County Health and Human Services, creates, implements customs and practices administered by County Judicial Officers, administrators, staff; provides professional legal services and advice to the citizens of Marin County, including services related to the practice of "family law" - divorce and paternity, custody and visitation, child support, domestic violence, restraining orders, self-help services, frequently asked questions, form selection and advice, and public information regarding court fees, rules, locations, calendars, and proceedings, Social Workers and their Superiors acting under the Children and Family Services subdivision of the Marin County Health and Human Services.

DEFENDANT 4: LARRY MEREDITH
HEATHER RAVANI
JO McCORMACK
EDWARD KIERNAN
MICHELE KENO
HADAR HARTSHORN
MARIA AFFINITO
Address: 3250 Kerner Boulevard
San Rafael, CA -----

CITY OF MILL VALLEY, ET AL

The City of Mill Valley (CMV), administers, prepares, and implements all policies, practices, procedures, and operations of all Mill Valley Police Department Facilities, including policies, and procedures regarding protection of people and enforcement of laws and is responsible for the officers actions.

MILL VALLEY POLICE DEPARTMENT, ET AL

Defendant 1: MICHAEL LANE, Officer
MICHAEL LANE, Individually
SCOTT BROOKS, Officer
SCOTT BROOKS, Individually
DAVID KOLLERER, Officer
DAVID KOLLERER, Individually
PAUL WRAPP, Sergeant
PAUL WRAPP, Individually
LANE C. MILDE, through his supervisors

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STEVEN HEISINGER, through his supervisors
DOES ASSISTING OFFICERS, through their supervisors
LINDSAY HAYNES, though her supervisors
NEW OFFICER, through his supervisors

Address: 1 Hamilton Dr. Mill Valley, CA 94941

ADMINISTRATION OF THE COURTS

Marin County Superior Court is part of a network of county courts governed by a 27-member Judicial Council led by Ms. Tani Cantil-Sakauye, Chief Justice, California Supreme Court. the Judicial Council is the policy-making body of the California Courts and is responsible for ensuring the consistent, independent, impartial and accessible administration of justice. The Administrative Office of the Court (AOC) is the support staff of the Judicial Council.

MARIN COUNTY SUPERIOR COURT, ET AL

Defendant Marin County Superior Court (MCSC) is a municipal entity chartered under and doing business in the County of San Diego. In conjunction with the County, Marin County Superior Court operates facilities and judicial services, creates and implements judicial policies, customs,, and practices administered by judicial officers, administrators, and staff, and provides professional legal services and advice to the citizens of Marin County, including services related to the practice of "family law" - divorce and paternity, custody and visitation, child support, domestic violence, restraining orders, self-help services, frequently asked questions, form selection and advice, and public information regarding court fees, rules, locations, calendars, and proceedings, Social Workers and their Superiors acting under the Children and Family Services subdivision of the Marin County Health and Human Services.

Defendant 1: BEVERLY WOOD Commissioner/Judge
BEVERLY WOOD, Individually
Address: 3501 Civic Center Drive, Dept. 0
San Rafael, CA 94903

Defendant 2: LYNN DURYEE, Judge
Lynn Duryee, Individually
Address: 3501 Civic Center Drive, Dept. ---

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San Rafael, CA 94903

Defendant 3: VERNA A. ADAMS, Judge
VERNA A. ADAMS, Individually
Address: 3501 Civic Center Drive, Dept. ---
San Rafael, CA 94903

DEFENDANT 4: ROY CHERNUS, Judge
ROY CHERNUS, Individually
Address: 3501 Civic Center Drive, Dept. B
San Rafael, CA 94903

DEFENDANT 5: ALEXANDRA QUAM, Family Law Facilitator
ALEXANDRA QUAM, Individually
Address: 3501 Civic Center Drive, Room ----
San Rafael, CA 94903

DEFENDANT 6: KIM TURNER,
KIM TURNER, Individually
Address: 3501 Civic Center Drive, Room 113
San Rafael, CA 94903

DEFENDANT 7: GLORIA WU, Family Court Services Mediator
GLORIA WU, Individually
Address: 3501 Civic Center Drive, Room 116
San Rafael, CA 94903

MARIN COUNTY BAR ASSOCIATION

DEFENDANT --: ALEXANDRA QUAM
Address:

DEFENDANT --: TRACY BARRETT
Address:

DEPARTMENT OF JUSTICE

KAMALA HARRIS, Attorney General, the State Law Officer ensures that the laws of the state are uniformly and adequately enforced, heads the department of Justice, which is responsible for providing state legal services and support for law enforcement. Acts as the chief counsel in state litigation, overseas law enforcement agencies including District Attorneys and Sheriff.

MARIN COUNTY DISTRICT ATTORNEY

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1 DEFENDANT --: ED BERBERIAN
Address: 35 Civic Center Drive, Room 120
2 San Rafael, CA 94903

3 DEFENDANT --: RICHARD MEREDITH OWENS
4 Address: 50 Country Club Drive, Mill Valley, CA 94941

5 MCBA PROPOSED ADDITIONAL DEFENDANTS UPON LEAVE OF COURT TO AMEND

6 DEFENDANT --: BETH JORDAN (Proposed addition on Leave of Court)
7 Address:

8 DEFENDANT --: LAW OFFICES OF DON A. LESSER
DON A. LESSER
9 Address:

10 DEFENDANT --: AAA INSURANCE THROUGH BENNET, -----
11 STUART GILLIAM
THOMAS GELINI
12 Address:

13 DEFENDANT --: LAW OFFICES OF RUSSELL K. MARNE
14 RUSSELL MARNE
Address:

15
16 ADDITIONAL DOES DEFENDANTS

17 DIOP asserts that various facts stated herein constitute causes
18 of actions for Civil Racketeering Counts under U.S.C. 18 §1962(c),
19 (d), based upon Defendants' participation, ownership, whose
20 affiliation with one or more criminal enterprises as that term is
21 defined under 1964 (c). DIOP has identified various enterprises,
which she plans to elaborate on based on contiguous pleading unless
the court gives to DIOP leave to amend to include additional causes
of actions and parties based on all or part of causes of actions
cited herein or to be added to the present complaint.

22 Defendants acted under color of statutes, regulations,
23 customers, and usage of the State of California, County of Marin,
and or City of Mill Valley, and pursuant to the official policies
24 thereof, except as otherwise alleged.

25 Each Defendant was the agent, associate, affiliate, co-
conspirator, superior and or employee of each other Defendant and
26 was acting within the course, scope, purpose of such relationship in
each act ascribed to them herein, except as otherwise alleged.

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1 Various other DOES will be identify individually and/or in their
2 professional capacity to prevent and or discipline their subordinate
employees and or agencies.

3 DIOP reincorporates by reference all pertinent causes of actions
4 cited in her civil complaint CIV085835. DIOP did not include the
DOES then in hopes that OWENS's actions were remote acts based on
5 his perjury, misleading various other entities. However, the other
DOES, thorough their lethargic, discriminatory, defamatory,
6 retaliatory, and corrupted acts caused DIOP to be subject to
additional harm and are therefore responsible individually and/or in
7 their professional capacity.

8 In the interest of drafting a more concise and succinct
statement that the court requested, it is possible that DIOP
9 overlooks or omits additional facts. Hence, DIOP reincorporates by
reference all her allegations previously filed with the court and
10 incorporates each of the paragraphs of the present complaint to
each cause of action in order to avoid repetitions and seek
11 permission to rename causes of actions pursuant to legal names.

12 2. JURISDICTION (ADDITIONAL PENDING REDRAFTING)

13 My case belongs in federal court under federal question
14 jurisdiction because it is about federal law(s) or right(s).

15 This court has jurisdiction pursuant to the following statutes:

16 A: Federal Question jurisdiction: Title 28 United States Code §1331;

17 B: Federal Regulation of Commerce Jurisdiction; Title United States
18 Code §1337;

19 C: Federal Supplemental Jurisdiction Title 28 United States Code §
20 1367(a)-(b);

21 Federal Declaratory Judgment Act of 1946: Title 28 United States
22 Code §§ 2201-2202;

23 Section 1964 (a) of the Racketeer Influenced and Corrupt

24 Organizations Act of 1970 ("RICO") Title 18 United States Code §§
25 1964(a), (b), (c), and (d);

26 RICO 18 U.S.C. §1965(a), (b), and (d); and

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Rules 57 and 65 of the Federal Rules of Civil Procedure; and

The general legal and equitable powers of this Court

Protection against the continuous violation of 5th and 14th Amendments "to prevent the government from abusing [its] power, or employing it as an instrument of oppression, [due process and equal protection challenges to inadequate police response in domestic violence situations]; 159 A.L.R. Fed 37 [State-created Danger," or Similar Theory, as Basis for Civil Rights Actions under 42 U.S.C., §1983]; on what constitutes state action, see *infra*, §619 et seq.)

Under §619, "State action prohibited by the Fourteenth Amendment ... May be executive or judicial action.

"Notice is fundamental to due process: " Engrained in our concept of Due Process is the requirement of notice. Notice is sometimes essential so that the citizen has the chance to defend charges. Notice is required before property interests are disturbed, before assessments are made, before penalties are assessed. Notice is required in a myriad of situations where a penalty or forfeiture might be suffered for mere failure to act." (*Lambert v. California* (1957) 355 U.S. 255, 78 S.Ct. 240, 243, 2 L.Ed.2d 228, 231).

under 42 U.S.C. §§1983, 1985, and 1986. The court has jurisdiction under 28 U.S.C. §§1343 and 1367

Federal Disqualification under 28 U.S.C. § 455

Appendix Code of Conduct for United States Judges
(Effective July 1, 2009)

(ADDITIONAL JURISDICTION TO BE DETERMINED UPON ATTORNEY REVIEW)

3. VENUE

Venue is proper under U.S.C. §1391(b) as one or more Defendants are located or reside in this District, and a substantial part of the events and omissions giving rise to DIOP's claims occurred in this District. second issue is the "interest-of-justice" standard under 28 USCA 1406.

4. INTRADISTRICT ASSIGNMENT

This lawsuit is assigned to San Francisco out of convenience.

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1 5. STATEMENT OF FACTS AND CLAIMS

2 This case stems from the false accusation of domestic violence
3 from Richard Meredith Owens (OWENS). The Mill Valley Police
4 Department (MVPD) arrested DIOP despite being privy to OWENS's
5 admittedly false police reports when DIOP called 911 for
6 assistance. The Marin County District Attorney (MCDA) failed to
7 prosecute OWENS for multiple counts of Misdemeanor PC 148.5 (EXHIBIT
8 ---). This lethargy turns out to mirror a systemic judicial approach
9 to condone OWENS's multiple ensuing crimes and to "shoot the
10 messenger."

11 DIOP regained legal access to the family residence just to have
12 a threat from MVPD of Citizen's arrest without probable cause
13 (EXHIBIT 30). Once out of the residence under duress, MVPD
14 suggested to OWENS to lock out DIOP and refused to allow her
15 reentry. MVPD prejudicially side with OWENS who stated that he would
16 "do whatever it takes" to evict DIOP, without care to violating
17 DIOP's civil rights (EXHIBIT 33).

18 OWENS lied to illegally evict DIOP from the family residence to
19 circumvent proper eviction because OWENS stated that Officer Michael
20 Lane (LANE) contiguously suggested to OWENS to get a restraining
21 order without any fear of violence (EXHIBIT---). OWENS hatched a
22 plan to depict DIOP as the criminal when she called 911 against his
23 assaults at the family residence.

24 DIOP resorted to filing a civil complaint (CIV 085835) against
25 OWENS, in which she forewarned that the authorities' failure to
26 protect her and her minor son's civil rights when OWENS falsely
27 accused DIOP of threatening to kill him with a knife could have
28 deprived DIOP of her freedom, where it initially displaced her and
her minor son into homelessness (EXHIBIT ----).

29 DIOP's fear came to pass as Defendant returned to the drawing
30 board to sketch a parody of his false accusation about the knife
31 when DIOP called 911 a second time over OWENS's assault and battery
32 (EXHIBIT---). OWENS' s false report to Mill Valley Police that DIOP
33 battered him instead, causing her false arrest, criminal
34 prosecution. The criminal case was dismissed (EXHIBIT 32).

35 After MCDA dismissed the criminal charges against DIOP , the
36 Marin County Health and Human Services engaged another social
37 character assassination against DIOP, through a defamatory
38 blacklisting in the child abuse central index (EXHIBIT ----).

39 DIOP who had been emotionally embattled through the false arrest
40 and ensuing criminal prosecution attempted to reconnect with an
41 employer in hopes to get over her trauma. However, the renewed
42 prosecution from the Marin County Health and Human Services added
43 insult to injury and continued to hinder her ability to stay focused

1 and continued to emotionally distress DIOP who eventually withdrew
2 from the job (EXHIBIT ----).

3 OWENS then steadfastly applied for a Domestic Violence
4 Restraining Order through false pretense of violence (EXHIBIT 34).
5 Marin County Superior Court Judge Lynn Duryee issued it to OWENS in
6 violation of her duty to disclose her fiduciary conflicts of
7 interest with OWENS's attorney, Alexandra Quam (EXHIBIT 35).

8 The later worked for Freitas, McCarthy, McMahon, law firm, where
9 judge Duryee's husband is a partner.

10 Ms. Quam failed to adhere to the code of judicial ethics in
11 knowingly appearing in frint of Judge Duryee while actively working
12 at her husbands' law firm. Ms. Quam was eventually hired at the
13 Marin County Superior Court as the Family Law Facilitator, thereby,
14 precluding DIOP's access to this legal assistance as various
15 judicial officers failed to adhere to Family Code Section 2030 and
16 2032 by which OWENS should provide her attorney fees to ensure a
17 leveled playing field. Judge Verna Adams (ADAMS) forced DIOP to be
18 in Pro Per in the main, including being her own attorney for four
19 days at a custody trial where OWENS hired Beth Jordan, then the
20 Family Law Bar Association Chair Person.

21 JORDAN obtained at the onset the complicity of Dr. Gloria Wu,
22 Recommending Mediator for the Marin County Superior Court. Dr. Wu.
23 WU changed the custody recommendation she issued to DIOP upon making
24 more thorough investigation than she did when OWENS illegally
25 evicted DIOP and her son from the family residence and solely gave
26 information that the mediator used against DIOP. Dr. Wu corrected
27 her recommendation upon DIOP's participation but then drastically
28 changed it again when OWENS secured Beth Jordan whose influence on
Gloria Wu and the judge was indubitable owing to her influential
position (EXHIBIT ----).

This is in par with a saying that openly goes in Marin Courts:
"a good lawyer knows the law but a great lawyer knows the judge."
In fact, Robert Rothmann (ROTHMANN), ESQ. related the court's
animosity and recommended me to find an influential lawyer given
that something went amiss in the way judge ADAMS treated him and
Gloria Wu sharply departed from her favorable corrected
recommendation.

" I ... believe you are being mistreated by the court system...
You presented a positive recommendation from Gloria Wu. This now
has changed dramatically. Additionally, the animosity exhibited
by Judge Adams has given me pause to reflect that your case will
be a long term rehabilitation of your character before the court
and a slow but persistent revelation of the true character of
Richard. With this in mind and my belief based on the latest
court document and judge Adams's hostile behavior, I believe you
need an attorney who appears before her regularly and is in a

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1 sense an insider. I don't want to take your money if I can't
2 help you in the way that I think you need help" (EXHIBIT ----).

3 OWENS secured the complicity of yet another Judicial Officer
4 whose impartiality DIOP had questioned. Commissioner Beverly Wood
5 failed to her judicial act in refusing to remedy the illegal
6 domestic violence restraining order that Duryee issued to OWENS
7 despite her conflict of interest with OWENS's lawyer, Alexandra
8 Quam, who worked for Freitas, Duryee's husband's law firm. It turned
9 out that WOOD's husband also co-owned FREITAS, wherefore, she
10 refused to address the invalidity of DURYEE's order in fiduciary
11 conflict of interest. DUTYEE had recused herself and may not have
12 been aware that over time, OWENS admittedly lied to her in his
13 application for a Domestic Violence Restraining Order against DIOP.

14 WOOD's allegiance to OWENS's cause would be the guiding
15 principle in this case over all clearly established statutory and
16 constitutional due process rules. As OWENS's criminal complaint has
17 proven, WOOD steadfastly subjected DIOP to a humanly demeaning ankle
18 bracelet and a blanket 3 years restraining against DIOP to heighten
19 her risk of incarceration. These abuses of discretion were not
20 commensurate with OWENS's unsubstantiated frivolous accusation that
21 DIOP had battered him, where Commissioner Wood was fully aware of
22 OWENS's similar false accusation of domestic violence to falsely
23 induce Judge Lynn Duryee to grant his false request for DVTRO.
24 Commissioner Wood whose impartiality in the family law in which she
25 seemed to be OWENS's attorney simply abused her power to put DIOP
26 away. This retaliation stems from Commissioner Wood's pursuit of her
27 personal interest to negate DIOP's complaint of the criminally
28 collusive judicial acts that led her to protest openly with the
Marin Peace and Justice and in open demonstration in protest outside
the Courts (EXHIBIT 38).

19 By sharp contrast to WOOD unleashing all adverse actions at her
20 disposition, including negative statements against DIOP at the
21 arraignment, WOOD deliberately sabotaged the issuance of DIOP's
22 request for DVTRO to protect the child when he adamantly complained
23 that OWENS had battered him during a daylong visitation and caused
24 his facial injury. WOOD obstructed the MCHHS social worker's
25 testimony and DIOP's attorney to confront that testimony upon
26 ordering that she will conduct solo, an in-chamber interview
27 excluding all parties and attorneys, where she could have ordered
28 the closed courtroom format that would allow transparency and
scrutiny.

WOOD also granted the MVPD's request for a gag order that
effectively excluded their report. WOOD ignored various
incriminating testimonies including from OWENS's witness list as
together, they disconfirmed the police officer's attempt to

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1 incriminate DIOP through a false report that she was wearing a ring
2 on her left finger that could have perpetrated the child's facial
3 injury. WOOD equally disregarded additional inculpatory testimonies
4 including Rahman's pediatrician and the landlord who witnessed
5 Rahman's account to the social worker and his confident complaint to
6 the landlord about various abuses from OWENS.

7 MCHHS social workers failed to prosecute OWENS at each juncture,
8 opting instead to give casual warnings against OWENS's sexual abuse
9 and ignore his repeated physical abuses. Their ensuing "unfounded"
10 dispositions aimed to lay blame upon DIOP and munitions to OWENS to
11 convert his abuses into requests for custody.

12 MCDA's dismissal of the criminal charges against DIOP,
13 unexpectedly disrupted Commissioner Wood's plan to hand DIOP's head
14 to OWENS on a silver platter. On fact, OWENS already started to loom
15 the fruits of his fraudulent police report and ensuing attest of
16 Diop. He effectively twisted Commissioner Randolph Heubach's hand in
17 giving him temporary full child custody against the orders
18 implemented five days prior that Owens vociferously objected to in
19 court. The order came about when OWENS, having been used to the
20 court's complicity in issuing the orders he demands sought full
21 child custody and limited visitations for DIOP despite his inability
22 to care for the child including severe educational neglects of the
23 child. Few months prior, when the court rejected his request to
24 appropriate DIOP's visitations coinciding with the child's school
25 opening days, OWENS took those visitations despite the court order
26 forbidding him to do so. Where OWENS's motivation for demanding the
27 school opening visitations were to make sure the child attends
28 school, OWENS failed to drop the child to his school opening and
falsely called him sick for two days. Instead of making the
supposed sick child available for visitation with DIOP or the
school, both 5 minutes away from his residence, OWENS took the child
about 2 hours away to Lake Sonoma on a speed boating trip. Adding to
other grave custodial misgivings that DIOP documented without
bringing those to an ordinarily hostile and prejudiced judicial
officer, OWENS's request for more custodial time provided DIOP a
defensive outlet to bring about his misconducts. Surprisingly,
Commissioner Heubach granted to DIOP more custodial time, to OWENS's
displeasure.

When OWENS Demanded temporary custody of the child 5 days after
Heubach issued his adverse order against his custodial request,
HEUBACH failed to assess OWENS's possible motive as DIOP had no
reason for assaulting OWENS. HEUBACH himself had once issued a DVTRO
against OWENS for trespassing and burglarizing DIOP's home upon
HEUBACH's own observation of OWENS's wrath in court. Hence, HEUBACH,
without questioning OWENS's motives rushed to temporarily change

1 custody OWENS, while misrepresenting that he unsuccessfully tried to
2 have DIOP at the hearing. DIOP was in jail, and then bailiff offered
3 to bring DIOP down later for the hearing. Additionally, HEUBACH knew
4 that she would appear in the afternoon at arraignment proceedings.
5 Still, he held the hearing without DIOP's ability to be heard in
6 opposition.

7 In the aftermath, HEUBACH was replaced in the family court
8 bench, delaying DIOP's motion to vacate his order shifting temporary
9 custody to OWENS. This delayed justice continued to interfere with
10 DIOP's ability to reunite with her son in a timely manner in hopes
11 that DIOP's possible incarceration as WOOD staged in, would prevent
12 the court from undoing its damages. Upon the dismissal of the
13 criminal charges against DIOP, HEUBACH eventually set back in place
14 the custody orders that OWENS maliciously thwarted after putting
15 DIOP into custody to take the child into his custody.

16 HEUBACH ordered that his orders remain as set absent major
17 Chang of circumstance. However, as soon as Commissioner Wood was
18 back on the family court Bench, OWENS rekindled his request to have
19 her manipulate custodial orders in order to mitigate his child
20 support payments (EXHIBIT --). DIOP highlighted how from the Family
21 Court bench, Commissioner Wood previously dictated the Department of
22 Child Support Orders as Richard demanded her to do (EXHIBIT --).

23 Where WOOD typically verbally aggresses DIOP when she seeks
24 relief she habitually overextends herself beyond all ethical rules
25 of conduct and legal predicates. She systematically and abruptly
26 denied DIOP's requests for attorney fees under Family Code Section
27 2030 and 2032 and usually retaliates against attorneys attempting to
28 provide service and request fees. Hence she never awarded fees to
Barbara Kauffman, Esq. while Debra schoenberg, Esq. rejected out
right DIOP's request to seek WOOD's disqualification even if she
believes that Wood mishandled DIOP's rights stating that it would
be a "professional suicide" (EXHIBIT--). KAUFFMAN substituted in
the case and was compelled to request Judge ADAMS and WOOD's recusal
in particular arising from OWENS's multiple illegal ex parte contacts
with those judicial officers without ensuring that OWENS provided
notice and opportunity for DIOP to be heard. WOOD issued adverse
orders favorable to OWENS while she usually shrieks at DIOP when she
make valid ex-parte application to protect Rahman's welfare (EXHIBIT
--).

These are the governing status quo by which WOOD prejudicially
continues to maintain a stranglehold in the custody case. Most
recently, as OWENS continued to solicit her support against a civil
complaint that DIOP had filed against him for his tortuous acts,
WOOD manipulated her previous vacation orders to match OWENS's
suggestion that this force DIOP, who had been hospitalized in New
York and undergoing follow-up treatments to return to MARIN if she

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1 wanted to spend he summer vacations that WOOD initially ordered to
2 take place in New York. KAUFFMAN alerted the court that WOOD's
3 ordered could be viewed as a manipulation of Civil proceedings. In
4 fact, this did authorize OWENS's attorneys to fraudulently set in
5 place various false accusations that they served DIOP with
6 deposition notices and interrogatories for which they sought various
7 ex-parte requests to compel or for sanctions in DIOP's absence in
8 order to fraudulently dismiss the civil jury trial that was set for
9 September 3, 2013.

10 It is noteworthy here given that DIOP included her civil
11 complaint to her Federal complaint that DIOP seeks this court's
12 equitable power these termite that the court lacked jurisdiction in
13 issuing the underpinning order granting reopening of discovery 3
14 months before trial. Thus, the court should proceed with the
15 continuity alleged in this complaint sharing causes of actions cited
16 in the civil action. By mean of a quick background, Opposing
17 Counsels notified DIOP's attorney of their ex-parte request to
18 reopen discovery after DIOP provided a substitution of attorney to
19 represent herself. The attorney failed to alert DIOP of the ex-parte
20 proceeding and scheduled a date that he knew directly conflicted
21 with DIOP's availability (EXHIBIT --).

22 DIOP could not oppose the motion on a shortened time that she
23 was not aware of. To cure this service deficiency, Opposing Counsels
24 mailed a notice to DIOP of non-opposition of their motion, that they
25 did not include in the correspondence. In reality they also knew
26 that DIOP would be unavailable on the day they set in court as this
27 was the date that they requested to reschedule a settlement
28 conference and DIOP told to her attorney that she would be
29 unavailable. Hence, DIOP rushed to the hearing without any
30 information or adequate notice to defend against the action in
31 violation of her Due Process: "required statutory provision for
32 notice and hearing. It has been held that the statute itself must
33 provide for notice and hearing, and that the absence thereof is not
34 cured by extraofficial or casual notice, or a hearing granted as a
35 matter of discretion" (Adequate notice and hearing [\$658]).

36 Judge CERNUS had no jurisdiction to convenient grant the
37 reopening discovery to harass DIOP. This order should fail through
38 collateral attack as CERNUS set the stage for abuse of process to
39 legally drain DIOP out. To the extent that repetitive fraudulent
40 discovery tactic was improperly used to subsequently dismiss the
41 civil case underpinning the continuity of this action, DIOP seeks
42 the court's equitable power to not strip the present complaint of
43 elements contained in the civil lawsuit and to Stay the present
44 action as necessary in time for a reinstatement of DIOP's related
45 civil case CIV 085835.

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1 To avoid prejudice, DIOP had requested her former civil
 2 attorney, Don Lesser, to sever those causes of actions from the
 3 civil case and consolidate those with the Federal case (EXHIBIT 44
 4). However, this request fall on deaf ears as he was more concerned
 5 about coaxing DIOP to simply dismiss them herself in par with
 6 OWENS's demand upon apparently buying out the attorney as he said he
 7 would if DIOP did not want to deal with him and drop her attorney.

8 WOOD was fully aware of the pending civil case against OWENS and
 9 the present FEDERAL complaint as OWENS mentioned this to her
 10 attention at various hearings, including in his petition seeking
 11 full custody upon exploiting the fact that the MCHHS blacklisted
 12 DIOP . OWENS mentioned his aim to reopen discovery in an email
 13 alerting DIOP that he will reopen custody proceedings since WOOD
 14 replaced Heubach in our family court case.

15 It turned out that WOOD has special affiliations with CERNUS linked
 16 to how they were handpicked from various candidates. From an article
 17 in the Coastal Post, Barbara Kauffman emphasizes the existence of
 18 special interests and favoritism (EXHIBIT--).

19 CERNUS failed to apply any jurisprudence in entertaining
 20 various exparte requests from opposing Counsels to whom he issued an
 21 order reopening the civil discovery, allegedly full fledged, 3
 22 months before the jury trial date merely to harass DIOP. CERNUS
 23 overlooked the procedural defects, which precluded DIOP's right to
 24 notice and opportunity to rebut opposition's ex-parte application to
 25 reopen discovery to DIOP's former attorney. Those information will
 26 be filed to the extent that they are directly relevant to the
 27 present case, which included elements of DIOP's civil case against
 28 OWENS.

18 CONTIGUOUS COMPLAINT SPECIFICALLY DIRTECTED AGAINST BEVERLY WOOD BASED ON EXCERPT 19 FROM THIS COMPLAINT

20 WOOD continues to maintan a stranglehold in the family law case
 21 through illegal, fraudulent backdating or orders to extend her lost
 22 jurisdiction, slapp, rico, conspiracy to sabotage the underlying
 23 CIV085835 trial, retaliatory, prejudicial practices that DIOP will
 24 excerpt from this complaint and adjoint to highlight the scope of
 25 her abuse of power to cater to OWENS and for the poroposition that
 26 it needs to be amended as she continues to entertain OWENS's
 27 retaliatory SLAPP suits in a terror threat to alienate the child
 28 from his mother whose freedom he subjects to WOOD's trifling through
 bogus sceduled contempt hearings (EXHIBIT 1).

26 ASSAULTS AND BATTERIES

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COUNT 1:

1. Defendant Richard Meredith Owens assaulted DIOP, thereby causing her immediate injury to her person. DIOP reported Defendant's verbal and physical assaults by placing a 911 call. DIOP's former attorney obtained the record.
2. The 911 dispatcher referred DIOP's call to the Mill Valley Police officer, which also reported the abuse against DIOP. Defendant caused physical injury to DIOP. Although DIOP's dark complexion made it hard to detect, Defendant's kicking on DIOP's left foot were visible few days later in the form of black marks and soreness. The area was sore for months and after periods of swelling was followed by months of scabbing. DIOP showed her injuries leg to various people and was told to take a picture of it at some point (EXHIBIT).

MALICIOUS PROSECUTIONS AND ABUSE OF PROCESS TO HARASS DIOP

3. OWENS fabricated false accusation that DIOP perpetrated domestic violence against him and made antiSemitic slurs in an effort to illegally pit MVPD Officers LANE and BROOKS to arrest and falsely imprison DIOP. These fraudulent reports aimed to displace the child custody that HEUBACH issued 4 days prior to Defendant's displeasure. Upon belligerently yet unsuccessfully opposing the unfavorable custody orders, OWENS caused DIOP's criminal prosecution and steadfastly the very next day, he placed an illegal ex-party request to be awarded temporary sole custody. His ex-parte Notice was not calculated to give actual notice to DIOP to defend against his allegations since OWENS acknowledged that DIOP was in Jail.

CONSPIRACY UPON FRAUDULENT SECUREMENT OF A 3 YEAR DVTRO FROM WOOD

4. OWENS secured Three years restraining orders from COMMISSIONER WOOD who also subjected DIOP to ankle monitoring device that clearly had the effect to heighten DIOP's risk of incarceration. OWENS's request for the maximum time to retrain DIOP was disingenuous as he invited DIOP to share breakfast despite his claim days DIOP battered him (EXHIBIT---).
5. OWENS revealed during his divorce proceedings from his third wife, FREDERICKA NEWTON, his plot to keep DIOP at bay for 3 years in order to resume their criminal partnership (EXHIBIT---). OWENS declared that his third divorced wife "witnessed multiple murders, used crack cocaine, had incurable insanity,

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1 and treated our minor son "with less compassion than a normal
2 person would show for a dog" (EXHIBIT---).

3 **FALSE ARREST, ANNOYANCE, DEFAMATION, SEARCH, SEIZURE OF PROPERTY...**

4 **COUNT 1: Civil Rights Violations**

5 6. On December 12, 2011, at approximately 3:30PM, DIOP was present
6 in the municipality of Mill Valley, California in the County of
7 Marin, State of California when Defendants arrested DIOP without
8 probable cause. DIOP called 911 to report OWENS's verbal and
9 physical Assault and Battery. The 911 Dispatcher alerted the Mill
10 Valley Police Department.

11 **WRONGFUL IMPRISONMENTS THROUGH OFFICER LANE'S INFLUENCING OFFICER**
12 **SCOTT BROOKS TO ARREST DIOP**

13 7. Officer SCOTT BROOKS acted upon his supervising Officer, MICHAEL
14 LANE's suggestion to arrest DIOP. This was done without probable
15 cause. Officers LANE and BROOKS failed to approach DIOP first
16 and get her testimony as she was the one who initiated the call
17 to the 911 dispatcher. Then Mill Valley Police provides
18 preferential treatment to OWENS, a wealthy resident, white male,
19 with property who also benefits from the predominantly male
20 Officers' complicity. Mill Valley Police reported in connection
21 with their false arrest that DIOP had a very "thick" accent.
22 This depicts Defendants' prejudicial characterization of DIOP as
23 a foreigner and their ensuing belittling demeaning,
24 dehumanizing, and discriminatory acts that led them to falsely
25 arrest DIOP.

26 **OFFICER LANE ILLEGALLY INTEREFERE WITH DIOP'S FREEDOM AND DISPOSSED**
27 **HER OF HER BELONGINGS WITHOUT PROBABLE CAUSE**

28 8. Officer LANE confiscated DIOP's silver ring along with her other
properties during the booking process without any probable cause
to deprive her of her freedom and property merely on OWENS's
accusation that it was DIOP who perpetrated domestic violence
against him.

9. These facts are key in understanding the Mill Valley Police's pervasive bias as it continued to side with Defendant Richard Meredith Owens's false accusations, which led to the false Deprivation of DIOP's liberty through false arrest, jailing, criminal prosecution records, and social blacklisting as a child abuser in the central index.

COUNT 2: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, PAIN AND SUFFERING,

10. MVPD Officers LANE and BROOKS illegal arrest of DIOP and transportation in tight police back seat heightened DIOP's soreness at various areas such as her neck and arms. They aggravated DIOP's back injury when OWENS misrepresented to police that DIOP assaulted. BROOKS forced DIOP to ride in his police car in an injurious position to her back. DIOP further experienced extreme discomfort and injury to her body owing to her illegal arrest and confinement to hard bedding at the Marin County jail.

INTENTIONAL MISREPRESENTATION

DISCRIMINATION AGAINST THE CIVIL RIGHT ACTS OF 1964 BARRING FAVORITISM OR PREJUDICE OF PEOPLE ON THE BASIS OF SEX, RACE, NATIONALITY, COLOR, OR RELIGION

11. After the 911 dispatcher sent the Mill Valley Police upon DIOP's report of various physical and verbal abuses from Defendant, Richard Meredith Owens, the Mill Valley Police arrested DIOP without probable cause. The Mill Valley Police mentioned on its report DIOP's thick accent given that she is born in Africa. DIOP has a very dark complexion and is a victim of racial profiling where the Mill Valley Police, consistently takes at face value Defendant's accusations against DIOP.

12. OWENS who always defame DIOP in Court when she is about to swear claiming that she is a Muslim to pit the court used a subterfuge to pit the police. Without any proofs, the police appears to have acted on the religious token. Defendant falsely attributed to DIOP that she made anti Semitic statement against him. The Mill Valley Police reported this without care of the statement's validity to blacklist DIOP in the predominantly Jewish legal Community.

13. Both WOOD and HEUBACH appear to have retaliated against DIOP as a result. The fact that OWENS is a wealthy white Male property owner who gave donations to the police among others

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should be factored in the Mill Valley Police's constant support to OWENS whenever he complaints about DIOP.

HUMILIATION, DEFAMATORY INJURY TO REPUTATION, INJURY TO ECONOMIC ADVANTAGE, MARGINAL ARREST, FALSE IMPRISONMENT, MALICIOUS PROSECUTION, CIVIL RIGHTS VIOLATION, FRAUD, MALICE, DECEITS, OPPRESSION,

COUNT 1:

14. Officers LANE and BROOKS failed to act within statutory and constitutional anti discriminatory parameters, which a reasonable person in its position would have done. CONSPIRACY TO DEPRIVE DIOP OF HER FREEDOM. LANE illegally suggested to owens to seek a DVTRO against DIOP without probable cause. Officer Michael Lane prompted the arrest without any probable cause. LANE did not have any justifiable reliance on OWENS's uncertified statement as he is privy to OWENS's propensity to lie to police to circumvent legal channels. DIOP reincorporates previously attached to previously complaint pertinent facts that she enumerated in her related Civil Complaint against OWENS in the Marin County Superior Court: CIV085835 (EXHIBIT). The complaint shows that Mill Valley Police contributed to DIOP's Civil Right Violations through its usual discriminatory practices and prejudice against DIOP.

15. A synopsis of those pertinent facts show that Defendant falsely misrepresented to the Mill Valley Police that DIOP trespassed his house. Multiple police cars reported to the residence whereas, The police belittled DIOP including Officer LANE When the police realized that Defendant had lied that this was a trespassing where DIOP and her son continuously lived at the residence for 16 months, the Mill Valley Officers still condoned Defendant's immediate retaliations to force DIOP out. The Mill Valley Officers said that this was expected from Defendant's anger.

16. Defendant thereafter misrepresented to the Mill Valley Police Office that DIOP had come at him with a kitchen knife when DIOP called 911 over Defendant's verbal and physical assaults. The Mill Valley Police immediately took Defendant's side and effectively evicted DIOP whom they asked to leave the family residence with her minor son with Defendant. As such, the Mill Valley Police helped Defendant circumvent lawful eviction procedures. Defendant later made judicial admissions at trial, via email, and in writing that he lied about DIOP coming at him with a kitchen knife (EXHIBIT--). Consists of excerpts from

1 various evidences of Defendant's perjury to various officials in
2 all impunity.

3 17. LANE acted maliciously in overlooking that when he previously
4 told OWENS to take legal actions to remove DIOP from the family
5 residence, OWENS circumvented his advice and filed a false
6 police report that DIOP threatened to kill him with a kitchen
knife in order to get Officer MILDE to remove DIOP from the
family residence.

7 18. On OWENS's testimony, Officer LANE also engaged in an ex-parte
8 off-record communication to advise him to file a restraining
9 order without any probable cause that DIOP had engaged or was
10 about to engage in any domestic violence. Hence, despite his
11 seemingly correct police report, LANE tipped OWENS about using
DVTRO against DIOP. One week later, OWENS lied to Officer MILDE
that DIOP threatened to kill him with a kitchen knife.

12 19. When LANE initially told OWENS to seek legal remedy to evict
13 DIOP from the family residence, he also tipped OWENS off record
14 to seek a domestic violence restraining order. Hence, LANE's
15 fraudulent conduct when he had ex-parte contact with OWENS
before prompting Officer BROOKS to arrest DIOP is to blame for
his prejudicial conduct aimed to oust DIOP as he told OWENS to
use a DVTRO.

16 20. At the time, of applying for a DVTRO, OWENS stated: Ms. DIOP
17 threatened me with a kitchen knife. She said that I was evil &
18 deserved to die. She wore at me repeatedly. OWENS gave to DIOP a
19 handwritten note confessing about LANE's implication and
20 admitting at trial that he lied about the kitchen knife
accusation against DIOP and the frivolousness of his DVTRO
application:

21 "Yeah, no, the alleged -- the alleged violence incident was that
22 I was being -- that I was being told charges were being made
23 against me of sexual misbehavior, rape, and what have you, that
24 -- that came like a bolt out of the sky. I had no -- this never
25 happened, and I didn't expect it, so that was the violence of -
26 - of -- of some sort anyhow. The other violence w my house
27 looked like it had been invaded by Keystone Cops, and they were
running all over the place. She's running, they're running, I'm
downstairs. It wasn't violent, but it scared the hell out of
everybody" ... One man came up to me -- ... This is the officer
Mike Lane?

1 The big tall one.

2 right. and he told you should get a restraining order?

3 And did you ask for the restraining order because you felt you
4 were in danger from Rama?

5 I actually asked for -- I asked for it because a police
6 officer told me I needed one" (EXHIBIT---).

7
8 **LANE COULD NOT JUSTIFIABLY RELY ON OWENS'S TESTIMONY TO TELL BROOKS**
9 **TO ARREST DIOP ON OWENS'S RENEWED FRAUDULENT CLAIM OF BATTERY WHEN**
10 **DIOP CALLED 911**

11 21. OWENS acted upon this in order to shy away from taking legal
12 eviction process against DIOP and their minor son. LANE initial
13 contact with Defendant is the conduit for his tactical
14 conspiracy calculated to deprive DIOP of her civil rights. When
15 Officer Michael Lane tipped Defendant Richard Meredith Owens to
16 seek a restraining order against DIOP, he had no reason to
believe that DIOP threatened to, engaged in, or was about to
commit domestic violence. DIOP filed a report with the MVPD
against OWENS's perjury such that the officers were privy to his
propensity to lie and could not assert any justifiable reliance
on his statement.

17 **SUPERVISORY FAULT AS MVPD OFFICERS TEND TO PROVIDE ASSISTANCE TO**
18 **OWENS FIRST WHEN DIOP SEEKS ASSISTANCE AND PREJUDICIALLY TREAT DIOP**

19 **COUNT 1: SUPERVISORY NEGLECT FOR MVPD MILDE'S FIELD MISTAKE**

20 22. MILDE improperly spoke with owens first wherefore he formed a
21 wrong judgment that diop had to leave the family residence
22 MILDE's mistake was instrumental in allowing OWENS to use his false
23 accusation that DIOP threatened to kill him with a kitchen knife in
24 order to illegally evict DIOP from the Family residence. Officers
LANE AND BROOKS were tainted as they confronted DIOP instead of
attempting to find out about the abuses that Richard Meredith Owens
perpetrated against her.

25 23. The Mill Valley Police systematically believes the Defendant's
26 account when he reports false crimes against DIOP. This benefit
27 of doubt operates to trivialize DIOP's abuse reports and falsely
fabricate alibis for Defendant. The Mill Valley Police has no
evidence supporting its false arrest.

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COUNT 3: SELECTIVE ENFORCEMENT OF REGULATIONS ON THE BASIS OF RACE

Mustov. V. Rice, 663 F. Supp. 1255 (N.D. Ill. 1987)

24. OWENS alleged in his complaint that DIOP uttered antiSemitic remarks while the MVPD Officer Scott Brooks stated that DIOP had a thick accent. Together, these show the characterization of DIOP as a foreigner who usually gets the lower end of the stick when it comes to obtaining reliefs against OWENS, a white, wealthy wrongdoer with property from Mill Valley.

COUNT 4: DELIBERATE DENIAL OF POLICE PROTECTION ON RACIAL GROUNDS

Mody v. City of Hoboken, 959 F.2d 461 (3d Cir. 1992).

25. As a result of officers LANE AND BROOKS' s misconduct, DIOP was injured, humiliated through defamation to her reputation, framing as a perpetrator of criminal acts. DIOP experienced fear of threat of further violations against her civil rights, and ruined her economic advantage. DIOP's attorney witnessed MVPD refusal to take a police report over owens's stalking (EXHIBIT--). MVPD officer Ian Madison (MADISON) whisked off an eyewitness who offered to testify in front of the Mill Valley Rite Aid Store that he witnessed OWENS stalking DIOP.

MILL VALLEY POLICE REFUSED TO INVESTIGATE OWENS'S CHILD ABDUCTION BUT STEADFASTLY HARASSED DIOP OVER OWENS'S SECOND FALSE ALLEGATION OF CHILD KIDNAPPING

26. OWENS violated a custody court order, falsely called Rahman sick, refused to transition him to his mother 5 minutes away, then reportedly traveled nearly 2 hours away to Lake Sonoma with the allegedly sick child.

27. The Sonoma police requested a referral for further investigation and/or warrant from the Mill Valley Police. However, various officers refused to take action. Their Sergeant WRAPP, casually asserted that "the child is fine" without establishing contacts with him or OWENS for over 3 days. It took about 9 days for DIOP to reunite with her son with no charges on Owens.

28. By contrast, MVPD Sergeant WRAPP promptly investigated at various levels and threatened to initiate child abduction ~~actions. WOOD directed OWENS to go to the DA who personally~~ Emergency request for Disqualification of Defendant Beverly Wood from FL064080; Stay of All Actions pending change of venue outside of Marin County upon filing of third Amended Complaint including other Defendants - CV 12-06332 JSW

1 contacted DIOP to investigate while DIOP had never been able to
2 directly get the DA to investigate. The receptionist told DIOP
3 repeatedly that the DA would not get involved absent MVPD
4 referral and the MVPD routinely fails to take reports, or makes
it devoid of accuracy to provide fraudulent exculpatory alibi to
OWENS.

5 **OWENS RELATED HIS MOTIVE FOR SEEKING DIOP'S ARREST**

6 **OWENS'S REQUEST FOR THE MAXIMUM DVTRO WAS DISHONEST AND ONLY**
7 **CALCULATED TO DISPLACE THE CUSTODY ORDERS SET FOUR DAYS PRIOR**

8
9 29. A witness statement shows OWENS's motive to alienate DIOP from
her son's upbringing through false arrest. Letter from Mr.
10 Mustapha Senghor relates his conversation with OWENS concerning
his intention to have DIOP rot in jail in order to gain custody
11 and use cheap labor for the care of the minor child (EXHIBIT-).

12 30. OWENS who sought "the maximum DVTRO" actually invited DIOP for
13 breakfast few days later as his only motive was to twist the
court's hand to regain child custody as a bargaining chip
14 through the complicity of the Mill Valley Police Officers. The
officers ignored DIOP's complaint about OWENS's calculated
15 motives: On 12/12/11, the day of OWENS's assault and battery on
DIOP, he writes: "I will be in court tomorrow morning seeking
16 full custody of Rahman. if you are out of jail by then, you need
to appear". On 12/18/11, OWENS states: "Please call Rahman...He
17 has tried to reach you a umber of times, and he has left you a
message. Also, if you are ready to co-parent, we could try to
18 have breakfast together this week. he would love to see you"
19 (EXHIBIT 49). On 12/20/11, Owens states "your son asks for you,"
which denotes DIOP's separation from her son and the anguish
20 that the Defendants' acts caused in DIOP and her son (EXHIBIT).

21
22 **COUNT 2: FALSE ARREST CAUSED MCHHS BLACKLISTING**

23 31. Mill Valley Police's false arrest and criminal prosecution of
DIOP led to the Marin County Health and Human Services' referral
24 and continued blacklisting of DIOP whose name appears on the
Child Abuse Central Index specifically stating that it is
25 because DIOP was the one who was arrested.

26
27 **ADDITIONAL DETAILS SUPPORT THE RACIAL BIAS, PROFILING AND**
DISCRIMINATION

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32. OWENS lied to the police on various occasions before police arrested DIOP based OWENS's unwitnessed complaint. In doing do, the police shows that it always believes OWENS despite the long history of OWENS making multiple false police reports and accusations against DIOP.

33. SAUSALITO police report showing OWENS's trifold violation of custody orders and lying that the child was sleeping in refusing to facilitate the transition to DIOP as it was her visitation and by court order OWENS was not supposed to have the child on his boat or overnight. OWENS then committed perjury in submitting a picture showing that Rahman was up at 10:22 PM watching a movie. The DA did not prosecute.

34. In the pertinent portions of her Superior Complaint CIV085835, DIOP related actions from the Mill Valley Police following their illegal eviction of DIOP and her minor son from the family residence. When DIOP regained legal access to the residency, Defendant placed a false report of trespassing that the Mill Valley Police fraudulently acted upon. First, the Police officer DOE assisting Officer HEISINGER threatened DIOP to go outside or be jailed even where they had no reason to believe that DIOP broke the front door's lock to gain entry.

35. Once DIOP was forced out of the residence under duress, HEISINGER suggested to OWENS to lock DIOP out of the residence upon stating to his attention that they would not allow assist DIOP if OWENS locked her out. Hence, in lieu of Defendant being subject to civil actions as he was adamant that he would do whatever it took including Citizen Arrest to evict DIOP the MVPD officers ---- to effect the illegal eviction through malicious suggestions. By the same token, the Mill Valley Police deliberately failed to ensure the protection of DIOP's right to a peaceful occupancy of the family residence and give unjust advantage to Defendant Richard Meredith Owens.

SELECTIVE APPLICATION OF RULES TO COVER-UP RICHARD OWENS'S VARIOUS ABUSES

COUNT 3: MVPD DEFAMATION AND FALSE ARREST CONDUCTIVE TO MCHHS MALICIOUS PROSECUTION AND BLACKLISTING

36. Marin County Health and Human Services disregarded the fact that the District Attorney dismissed the Criminal case against DIOP for the proposition that if a mere arrest is tantamount to guilt in their view, then a dismissal should constitute

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innocence. In this case, their rehashing of the dismissed criminal complaint into social incrimination is purely defamatory and serves no legitimate purpose but to harass DIOP

SELECTIVE ENFORCEMENT OF WELFARE CODES

37. DIOP noted that the MCHHS failed to prosecute OWENS whom it prejudged that no criminal charges would be filed against his criminal acts towards the moor child, Rahman Owens, even before the social worker concluded her investigation. By sharp contrast, DIOP was blacklisted after her criminal charges were dismissed and through vague defamatory accusation from HADAR HARTSHORN, that DIOP committed "severe neglect" against Rahman Owens. Dr. GLORIA WU stated in her report:

"MARIA AFFINITO, Child Welfare Worker, Marin County Child Protective Services

"Maria Affinito (AFFINITO) was present for the forensic interview of Rahman at the Jeanette Prandi Children's Center that occurred on 5-6-10. Ms. AFFINITO reports that there will be no criminal sexual abuse charges filed against Mr. Owens. During the Interview, Rahman reported that his father tickles him in the genitalia and on his bottom as well as other places on his body. Rahman described Richard's "ticking" him in a manner that was not congruent with tickling and reported that he (Rahman) does not have pants or underwear on when he is being tickled. Rahman has told his father that he does not like to be tickled and that Richard has continued to tickle him. Although the disposition of the allegations has not yet been determined, Ms. AFFINITO stated that Richard's manner of touching Rahman is inappropriate and that she will be speaking with him to emphasize the message that the tickling behavior needs to cease...

OBSTRUCTION OF JUSTICE, TAMPERING WITH THE EVIDENCE THROUGH UNNECESSARY DELAY TACTICS

38. In this case, the MCHHS used delay tactics to await one month between the abuse complaint referral to interview the child. This delay was not justified in that AFFINITO determined that the child's renewed his complaint of sexual abuse from the father to her and had made her reopen the investigations.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

39. MCHHS engaged in deceitful tactics to demonize DIOP as follows: Month-long delay tactic before setting up a forensic ~~interview regarding the child abuse allegations against OWENS.~~ Emergency request for Disqualification of Defendant Beverly Wood from FL064080; Stay of All Actions pending change of venue outside of Marin County upon filing of third Amended Complaint including other Defendants - CV 12-06332 JSW

1 Failure to prosecute OWENS when the report showed the child
 2 specifically complaining that OWENS sexually fondled him while
 3 he was naked and refused to stop. MCHHS only issued a casual
 4 warning to Defendant to stop the inappropriate Behavior. The
 5 ensuing unfounded finding from the Agency aimed to give a
 6 clearance to OWENS about his abuses and to not be listed in the
 child abuse registry. By contrast, MCHHS listed DIOP without
 evidence of any wrongdoing, where she was the victim of OWENS's
 abuses.

7 **FAILURE TO PROSECUTE OWENS FOR CHILD ABUSE THROUGH NEGLIGENT AND**
 8 **DELIBERATE UNFOUNDED DISPOSITION TO PROVIDE AMMUNITIONS TO OWENS FOR**
 9 **ACCUSATIONS OF PARENTAL ALIENATION AGAISNT DIOP**

10 40. MCHHS typically disregards all of OWENS's wrongdoings, whether
 11 through the child's direct complaints or through mandated
 12 reporters. On this same footsteps, AFFINITO quickly discarded
 13 the abuse and any criminal prosecution of the father and instead
 14 opted for mere warning to the the father, OWENS. this casual
 predisposition once again subordinated the child's welfare to
 the father's impunity. In addition, it provided to the father
 Defamatory underpinning that subsequently aided him in obtaining
 the full custody of the abused child.

15 **ILLEGAL INTERFERENCE WITH DIOP'S PARENTAL RIGHTS THROUGH INTENTIONAL**
 16 **FAILURE TO TAKE INTO CONSIDERATION DIOP'S EVIDENCES**

17 41. MCHHS overlooked relevant supporting evidence including but not
 18 limited to the following:
 19 OWENS sexual disfunction and depravity whether or not related to his
 20 self diagnosis of Bipolar Disorder. In a book, "loving someone with
 21 bipolar disorder" OWENS underlined some of his traits: "does
 22 something very sexually inappropriate but doesn't seem worried or
 ashamed about it at all" (**EXHIBIT---**). Hence, OWENS also engaged in
 lewd sexual conducts such as stripping for cash in homosexual
 venues, random bisexual encounters for homosexual explorations or
 extramarital affairs, exhibitionistic gigs, etc... (**EXHIBIT ---**).

23 42. DIOP would not have stood a chance had she been in OWENS's
 24 shoes. Where MCHHS blacklisted DIOP merely over Defendant's
 25 misrepresentations that DIOP had committed domestic violence
 26 against him, MCHHS deliberately shove under the rug glaring
 27 evidences supporting Rahman's complaint that his father, OWENS,
 engaged in sexually abusive conducts against him. NATHALIE
 SALLES had incidentally testified over one year prior to

1 Rahman's disclosure of OWENS's sexual abuse against him that
 2 Rahman confided to her:

3 "that his father touches his tchoutchou which is the way he
 4 refers to his genitals. I asked him if it was because he was
 5 cleaning him. Rahman said it was not the case but that his
 6 father was playing with his tchoutchou. When I asked him if he
 7 said to his father that he (Rahman) did nit want his father to
 do that, Rahman said no because his father would be very angry
 and "fight' him (**EXHIBIT ---**). MS. SALLES provided that
 testimony to CPS well before Rahman renewed his complained about
 OWENS's sexual abuse.

8 **FAILURE TO INVESTIGATE CHILD URINATION DISFUNCTION ROOTED IN ALLEGED**
 9 **DOMESTIC MARITAL FIGHTS LEADING TO ISSUANCE OF ADVERSE UNFOUNDED**
 10 **REPORT THAT OWENS'S DIVORCE PROCEEDINGS DISPROVED**

11 43. AFFINITO also failed to investigate Rahman's complaint of
 12 disturbing nocturnal domestic fights at the family residence
 13 between OWENS and his former wife, FREDERICKA NEWTON. MCHHS
 14 overlooked this fact in issuing an "unfounded" disposition of
 Rahman's overall complaints leading to OWENS gaining full
 custody of Rahman. Case in point, AFFINITO disregarded DIOP's
 email relaying Rahman's complained that FREDERICKA "is even
 worse than daddy" (**EXHIBIT 69**). Dr. Wu reported:

15 " With regards to Rahman being exposed to loud fighting between
 16 his father and his wife, Ms Affinito did not disclose that his
 17 father and wife fight at his father's home" which was later
 18 disproved. Subsequent Divorce proceedings between OWENS and his
 19 third wife put the limelight on the marital tensions that
 Rahman had complained about all along, which the Court and
 MCHHS shove under the rug as "unfounded" thereby giving to
 OWENS ammunitions to seek full custody of Rahman in the
 aftermath of his complaints against OWENS.

21 **MCHHS FAILURE TO INVESTIGATE CHILD URINATION DISFUCNTIONS WITHIN HIS**
 22 **COMPLAINTS OF DOMESTIC FIGHTS BETWEEN OWENS AND HIS NOW EX-THIRD**
 23 **WIFE THAT DIVORCE PROCEEDINGS CONFIMED**

24 44. AFFINITO. further failed to investigate the domestic tensions'
 25 causation of Rahman's contiguous urination dysfunction as
 26 indicated in a research (**EXHIBIT 72**). AFFINITO failed to
 27 investigate the domestic dispute between OWENS and his former
 wife even though the court noted in its minute order suspending
 his visitations pending investigation: "the court hears
 recording of the child talking about the fights at Father's home
 and observes a telephone video of the child" (**EXHIBIT 73**).

**NEGLIGENT FAILURE TO INVESTIGATE LEADING TO CHILD ENDANGERMENT UPON
HIS WRONGFUL PLACEMENT IN THE HANDS OF HIS ALLEGED ABUSERS
INTERFERING WITH DIOP'S PARENTING RIGHTS**

45. OWENS's Divorce proceeding documents show his statement that FREDERICKA was mistreating Rahman in response to FREDERICKA's statement to Rahman' attention "You poor child" as follows: "At the end, you treated him with less compassion than a normal person would show for a dog" (**EXHIBIT**).
46. Without filing criminal prosecutions against OWENS following the Prandi Center Forensic interview, MCHHS prevented Rahman's protection as he was thrust in the unsupervised care of his designated abuser. In response to Frederika saying "You poor child" to Rahman's attention, OWENS alluded to her mistreatment of Rahman (**EXHIBIT--**).
47. Additionally, while OWENS provided polished positive personality traits to WU and WOOD about Frederika, he then disclosed her dark past. OWENS sought to nullify their marriage and accused Frederika as having "in curable insanity, Fam. Code §2310 (b)" "unsound mind, (Fam. Code §2210(c)," and "fraud (Fam. Code § 2210(d)" even though he had been attempting to subject Rahman to her presence (**EXHIBIT--**).
48. OWENS's statements against FREDERICKA show the harmful placement if Rahman with his abusers. Although OWENS depicted an impeccable résumé as a nurse to the recommending mediator Dr. Gloria Wu and Commissioner WOOD, OWENS had this much to say about his actual partner in crime:
"Unmentioned is the statement by Frederika Newton Owens to me that she is an addict, that she has used crack cocaine, that she has witnessed multiple murders, and that she had her previous lover restrained on the basis that he had tried to choke her... Ms. Newton has also joined a cult society called FAA. these events in my estimation have caused Ms. newton to be unstable..." (**EXHIBIT --**).
49. OWENS further proves that MCHHS's social workers declined to acknowledge DIOP's relating Rahman's complaint without care to connecting the dots about the record of OWENS and FREDERIKA's unfitness as OWENS reported furthermore:
"Our marriage seems to be ending because both of us are sick" (**EXHIBIT**). Additional threats of "suicide" came about as OWENS had titled his email to FREDERIKA elaborating: "the path you

are on does not lead to peace. And, it leaves me with deadly haunts in my head that could be dispel if you had the kindness to do so. Or, if what you feared did come to pass, it would haunt you for the rest of your life no matter what my motive" **(EXHIBIT --)**. MCHHS's failure to thoroughly investigate and connect the dot led to its oversight of OWENS's bipolar disorder and its.

50. Under the care of OWENS and his third ex-wife, the minor child underperformed and nearly failed first grade. A similar interference with DIOP's parenting rights when the minor was in kindergarten set the stage for the major disturbance in the child's performance and were emotionally destructive and alienating against DIOP's parenting right to the child's detriment.

DENIAL OF EQUAL PROTECTION TO DIOP PRECLUDING HER FROM BEING PROTECTED, OR THE CHILD AGAINST OWENS'S ABUSES

51. It is noteworthy here that OWENS's statement was objecting to a DVTRO that was issued to Frederika against him. This confirms DIOP's complaint that the Marin County Superior Court seems to issue DVTRO to actual criminals while continuously refusing to provide DIOP DVTRO protection that she repeatedly requested for her and Rahman.

52. DURYEE issued a DVTRO to OWENS whose false account that DIOP threatened to kill him with a kitchen knife she believed over DIOP's complaint of Domestic Violence against OWENS.

53. When HEUBACH issued a DVTRO against OWENS for trespassing and burglarizing DIOP's home upon leaving court angry, Judge ADAMS subsequently denied it. When DIOP subsequently filed another request for DVTRO, Judge ADAMS rejected it as "litigation tactic".

54. When DIOP requested a DVTRO to protect Rahman from OWENS whom he adamantly designated as the perpetrator of his facial injury, Commissioner WOOD rejected it through obstruction of justice and overlooking all inculpatory testimonies against OWENS. She then increased OWENS's custodial time exactly as OWENS requested showing how this would mitigate his child support payments. Commissioner WOOD's favorable disposition of the DIOP's DVTRO application to OWENS's benefit also prejudged the so-called pending criminal investigation that the Mill Valley police used to seek a gag order from Commissioner WOOD.

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1 55. By contrast, WOOD issued a DVTRO against DIOP when OWENS make a
 2 false accusation of domestic violence against DIOP. OWENS uses
 3 it as a token to get back his old partner in crime against
 4 Rahman as he found himself in a jam with her and feared for his
 life enough to think that it was best for him to gain her
 complicity than to be her enemy as follows:

5 "P.S. Reviewing Rama's stay away order, it is market as bring
 6 in force for 3 years. Provided you are near to me, she can not
 7 come near to you again. Rahman will be 9 years old when the
 order is lifted..."

8 56. Whereas both WOOD and OWENS continuously insult DIOP for being
 9 unemployed, despite her valid reasons, OWENS offered to bribe
 Frederika with \$250,000 wherefore she would stop working.

10
 11 57. Despite MCHHS failure to refer OWENS to the Child Abuse Central
 12 Index Listing at different junctures against his physical and
 13 sexual abuses, not to mention documented educational neglects,
 14 and the domestic disputes that Rahman complained of, MCHHS
 referred DIOP to the Central Index Listing over OWENS's renewed
 false accusations of domestic violence against DIOP.

15 58. In blacklisting DIOP over OWENS's misrepresentation that DIOP
 16 physically abused him, MCHHS disregarded OWENS's perjury in
 17 filing a false police report and its relevance to his expert,
 18 DR. MARGARET LEE's testimony: "there is certainly research that
 people who are sociopathic or psychopathic are more likely to
 molest children" (EXHIBIT --).

19 **OBSTRUCTION OF DUE PROCESS RIGHT TO CROSS EXAMINE WITNESSES AT**
 20 **TRIAL AND CONCEALMENT OF EVIDENCE**

21 59. MICHELE KENO the County Counsel was paid for by constituents
 22 to conceal the various information contained I the report such
 23 that the request to protect the child from OWENS's. Commissioner
 24 WOOD ordered their testimony in her chamber to avoid cross-
 25 examination. Their obstruction of justice and tampering with
 witness and evidence was used against DIOP, the protective
 parent.

26 **MCHHS AND MILL VALLEY POLICE PARTICIPATION IN OBSTRUCTION OF JUSTICE**
 27 **IN CONNECTION WITH A DVTRO HEARING AGAINST OWENS FOR BATTERY WITH**
 28 **INJURY UPON MINOR CHILD**

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60. The minute order of the proceedings confirms that whereas DIOP'S Attorney, BARBARA KAUFFMAN, ESQ. requested a hearing in closed court to be able to cross-examine MARIN COUNTY CHILD PROTECTIVE SERVICE (CPS) worker MARIA AFFINITO, WOOD ordered her solo in-chamber interview of the CPS worker, AFFINITO, which prevented KAUFFMAN from cross-examining AFFINITO.

MCHHS SOCIAL WORKER AFFINITO AND FCS MEDIATOR DR. GLORIA WU OVERLOOK CHILD'S COMPLAINT OF PHYSICAL VIOLENCE AGAINST OWENS

61. Although Dr. Gloria Wu restated in her recommendation Social worker AFFINITO's report that Rahman complained that "... His father has spanked him" none of the services in charge of protecting Rahman took notice or connected the dot concerning OWENS's continuous physical abuse against Rahman.

CONSPIRACY UNDER COLOR OF LAW AND THROUGH PURELY PRIVATE CONDUCTS SECTION 1985 (3) AND PERVASIVE VIOLATIONS OF DIOP'S CONSTITUTIONAL AND STATUTORY DUE PROCESS IN RESULTING FROM DIOP FALSE CRIMINAL PROSECUTION AND SOCIAL BLACKLISTING

DEFAMATION AND SLANDER

62. HARTSHORN initiate a frivolous, unsubstantiated "Notice of Child Abuse Central Index Listing" leaving blank the field marked "date(s) and location(s) the alleged abuse or neglect occurred." In lieu of substantiating the field marked "the specific act(s) of abuse or neglect alleged against you is/are as follows:" HARTSHORN remains vague and over broad through his defamatory statement: "substantiated: severe neglect (Rahman Owens) (EXHIBIT --)

MALICIOUS PROSECUTION

63. EDWARD KIERNAN, maliciously prosecuted DIOP without any valid or credible evidence. His frivolous attacks of DIOP's character do not constitute any legal or factual basis for the severe neglect accusations against DIOP. From his denigration of DIOP's 911 call to his incongruous conclusion that as a custodial parent Defendant could not be committing kidnapping, KIERNAN is only motivated to make a case for the Health and Human Services against DIOP and not motivated to protect the child.

CONCEALMENT

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64. KIERNAN knew or should have known that the District Attorney dismissed the criminal case against DIOP. However, KIERNAN willfully concealed known exculpatory evidence as follows: if the DIOP was listed in the child abuse index for being arrested, then the prosecutors' dismissal of the criminal case should amount to innocence. Instead, KIERNAN illegally attempted to beef up HARTSHORN's, the social worker's initial referral devoid of any tangible evidence, overly vague, and unsubstantiated blanket allegations of "severe neglect".

CONCEALMENT OF EXCULPATORY DISMISSAL OF THE CRIMINAL PROSECUTION

65. JO McCORMACK Conducted a biased hearing from which DIOP was absent. He knew or should have known that the prosecutors dismissed the underlying criminal case against DIOP. Since the agency equated DIOP's arrest to child abuse then her release from the charges should amount to her innocence. Instead, Mr. McCORMACK chose to align himself with the agency's frivolous accusations against DIOP and as such he is a co-perpetrator of the malicious prosecution against DIOP.

CONCEALMENT OF AGENCY RECORDS AND DEPRIVATIONS OF DUE PROCESS

66. HEATHER RAVANI, in her capacity as the MCHHS' Director fraudulently validated the agency's illegal ruling even though she was aware of the lack of due process surrounding the hearing. She is equally responsible for concealment and malicious prosecution given her belated disclosure of agency record, of concealment of information and or of the introduction of surprise hearsay testimony and or evidence that were not disclosed to Tracy Barrett, Esq. who viewed the agency record on behalf of DIOP.

DEFAMATORY AFFIDAVIT WITHOUT SUBSTANTIATION

ABUSES OF PROCESS

COUNT 1: DEFAMATION

67. HARTSHORN, through his Supervisor RAVANI, referred DIOP to the Child Abuse Index Registry without substantiation. HARTSHORN's accusation was overly vague and denotes a careless defamation of DIOP. The agency left blank the section "Date(s) and location(s) the alleged abuse or neglect occurred" (Notice of Child Abuse Central Index Listing, Page 1 of 1). The agency refused to cancel this overly vague inculpatory document nor to

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1 provide any information to DIOP who immediately requested this.
 2 Instead, the agency remained mum and forced DIOP to take part in
 an unconstitutional grievance process.

3 68. MCHHS SUPERVISORS erroneously or through abuse of discretion
 4 failed to dissolve its charging affidavit when DIOP immediately
 5 objected to its "indefiniteness and uncertainty" not rising to a
 6 valid cause of action (**EXHIBIT---**). The agency remained utterly
 7 secretive about disclosing any information except 10 day prior
 to the hearing. This does not allow meaningful preparation to
 defend against belated accusation.

8 **VIOLATION OF DUE PROCESS REQUISITES THROUGH MCHHS "GUILTY BEFORE**
 9 **PROVEN INNOCENT" SCHEME**

10 69. DIOP's blacklisting ahead of any evidentiary hearing set the
 11 stage for abusive due process violations. MCHHS uses public
 12 resources to stage defamatory accusations, beef up its position
 through illegal undisclosed evidences while DIOP must face an
 uphill battle to clear her name without financial resources.

13 **DEFAMATION PER SE**

14 70. HADAR HARTSHORN issued a vague unsubstantiated and incomplete
 15 notice. He failed to substantiate his complaint for "severe
 16 neglect" thereby drafting any meaningful rebuttal at the onset,
 17 except as the law provides, DIOP's challenge due to the
 18 defective complaint. HARTSHORN refused to allow DIOP to bring
 support, including the Center for Domestic Peace advocates, at
 19 the initial hearing. In this fashion, HARTSHORN could introduce
 20 illegal hearsay as he did later. HARTSHORN refused to
 21 communicate with DIOP or the CENTER FOR DOMESTIC PEACE advocates
 as he was only interested in establishing face time with DIOP in
 order to put words in her mouth.

22 **CONSPIRACY TO DEPRIVE OF CIVIL RIGHTS**

23 71. THEREZA HIGUERA refused to allow DIOP extra time to prepare
 24 for trial. Even where she minimally extended by few days the
 25 hearing, she refused to disclose any information to afford extra
 26 time to prepare a meaningful rebuttal. The hearing violates due
 process predicates as it does not provide for constructive notice
 in time to defend the action when MCHHS holds on to the
 27 accusatory information until 10 days before the hearing.

28 **CONCEALMENT**

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1 72. HIGUERA is responsible for providing follow-up information to
 2 DIOP refused to do so except 10 day prior to the hearing. Even
 3 where she provided a brief extension of the hearing date, she
 4 refused to disclose the inculpatory information and delayed its
 5 disclosure as well. This secretive approach allows the AGENCY to
 6 buy time to beef up HARTSHORN's trumpeted up vague and over
 7 broad accusation of "substantiated severe child neglect".
 HIGUERA refused to provide adequate time to prepare for the
 hearing as TRACY BARRETT, ESQ. states: "We are not going to be
 forced to go forward on the 10th, but they will not agree

8 **OBSTRUCTIONS OF JUSTICE**

9 **COUNT 1: Due Process Violations**

10 73. HIGUERA, HARTSHORN, AND RAVANI failed to release disclosable
 11 information to DIOP at the onset upon DIOP complaint that the
 12 accusatory notice of child abuse index listing was vague,
 uncertain, and needed to be removed.

13 **MALICIOUS PROSECUTION AND ABUSE OF PROCESS**

14 In doing so, they violated rule 622 and should be deemed to
 15 have illegally and maliciously prosecuted and defamed DIOP through
 16 subsequent frivolous litigations aimed to allege surprise hearsay
 17 at the hearing upon failing to disclose any evidence and testimony
 10 days prior.

18 **INEFFECTIVE ASSISTANCE OF COUNSEL**

19 74. DIOP alleges that TRACY BARRETT, ESQ. (BARRETT), failed to
 20 provide "reasonable competent assistance" pursuant to Strickland
 21 and therefore did not safeguard DIOP's 6th Amendment Right.
 22 BARRETT. BARRETT states via email: she stated that the agency's
 claim was baseless and subsequently confirmed her viewpoint as
 follows:

23 "The meeting went pretty well - very well in some regards... I
 24 am looking forward to giving you the details. Having seen
 25 their "evidence" (or lack thereof) I feel more confident on
 your behalf."(EXHIBIT --).

26 75. BARRETT rushed through the tasks s appeared at the hearing
 27 against DIOP's request that she seeks a continuance only in
 28 order to adequately prepare for trial instead of merely two

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1 weeks between getting a retainer and the date set for trial.
 2 BARRETT failed to object to additional undisclosed information
 3 and hearsay testimony that she had not received at the time she
 4 reviewed the MCHHS's record.

5 COUNT 2:

6 76. She states upon viewing the "evidence" that MCHHS had nothing
 7 against me in a phone conversation and via email. However, she
 8 fails to basic duty of care to ask for a copy, and statement of
 9 position that would have prevented the Health and Human Service
 10 from introducing undisclosed disparaging hearsay information at
 11 the hearing. BARRETT, ESQ. defense for not safeguarding DIOP's
 12 rights were to avoid coming across as too belligerent.

13 COUNT 3:

14 77. Fails to challenge belated surprise evidence presented at
 15 trial despite statements indicating that the proffered evidence
 16 had not been previously disclosed when she reviewed the Health
 17 and Human Services' record. Per the Marin County Health and
 18 Human Services' policy regarding "Examination of Evidence and
 19 Disclosure of Witness" at Grievance Hearings:

20 "Failure to disclose evidence or witness list at least ten
 21 (10) business days prior to the hearing can constitute grounds
 22 for objecting to consideration of the evidence at the hearing
 23 or to the hearing testimony of a witness during a hearing."

24 78. However, the hearing record presents BARRETT's waiver of
 25 DIOP's appearance in lieu of securing a continuance, lacking
 26 information to contradict the hearsay testimonies that she was
 27 not presented at the discovery stage, making illegal inferences
 28 without consulting DIOP. Ms. Barrett "stipulated that if
 present, the mother would testify consistent with what she told
 the social worker and law enforcement regarding the incident"..
 ..

29 **COUNT 4: ILLEGAL REPRESENTATION IN LIEU OF REQUEST FOR CONTINUANCE**
 30 **OR TO STEP DOWN PER DIOPS' REQUEST**

31 79. BARRETT's Due process violations include her failure to secure
 32 continuance instead of appearing for trial within 2 weeks of
 33 reviewing the case. BARRETT unfamiliar with background issues
 34 and testimonies and ignored DIOPS's request that she does not
 35 proceed with trial. On May 21, 2012, DIOP advised BARRETT, ESQ.

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of their need to meet to discuss the case. DIOP advised Ms. Barrett that she was "severely" allergic. BARRETT, ESQ. noticed DIOP's debilitating allergy and sinusitis symptoms, when she met DIOP and merely took the \$1,500 she requested to evaluate the case. BARRETT, ESQ. then sent DIOP off to rest without any substantial discussion or fact-finding.

80. Despite her symptoms, DIOP was also busy dealing with her son's year- end school work before visiting her ailing mother out-of-state. Ms. Barrett failed to seek a continuance and instead illegally waived DIOP's appearance at the hearing when DIOP gave her specific directions to not proceed unless thoroughly prepared and upon securing a continuance. Instead, Ms. Barrett adopted the Health and Human Services' drastic schedule and fraudulently waived DIOP's appearance as the record indicates:

"Due to an illness in the family, Ms. Diop was not present for this hearing, but allowed her attorney to proceed on her behalf with specific stipulations that are cited under the section entitled, "Hearing Testimony Evidence".

COUNT 5:

81. Fails to obtains expert witness instead of providing her unqualified opinion to the agency's attempt to claim child was severely neglected where child's psychologist determined otherwise. MCHHS's inculpatory hearsay testimonies included their own arbitrary remarks about the child in lieu of the child's psychologist's contradictory assessment. Had this been disclosed, BARRETT, ESQ. should have at minimum subpoenaed the child's psychologist for her expertise or retained an independent expert to contradict the Health and Human Services' Self-serving determination to incriminate DIOP regardless of the existing evidence. The flip side of BARRETT, ESQ. failure to retain an expert is the fact that the evidence had not been disclosed prior to the hearing and she failed to take reasonable approach that a savvy counsel would have: to object to or move to strike introduction of the illegal evidence.

COUNT 6: Illegal failure to timely satisfy DIOP's request to obtain her file

82. BARRET, ESQ. deliberately failed to produce a copy that DIOP requested of her file. It took an inordinate amount of time for BARRETT, ESQ. to fulfill DIOP's request until DIOP was compelled

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1 to show up at her office. BARRETT, ESQ. also failed to comply
2 with DIOP's request that she obtains a copy of the Health and
Human Services' file.

3 Absent BARRETT, ESQ. noted Deficiencies, "there is a
4 reasonable probability that that the result of the proceeding would
5 have been different" (Strickland, 6th Amendment).

6 **DECLARATORY RELIEF REGARDING THE MARIN COUNTY SUPERIOR COURT'S LACK**
7 **OF JURISDICTION OVER DIOP IN SPITE OF ITS SUBSEQUENT COLLUSIVE ACTS**
8 **TO LEGITIMIZE DURYEE'S INITIAL UNCONSTITUTIONAL VOID DVTRO ORDERS**

8 83. DIOP's wrongful criminalization follows the court's attempt to
9 illegally maintain jurisdiction over her and to destroy her
10 character as a result of her request for redress against their
collusive acts

11 **CONTINUOUS CIVIL RIGHTS VIOLATIONS OF STATUTORY AND CONSTITUTIONAL**
12 **RIGHTS 42 U.S.C. §§1983, 1985, and 1986,**

13 84. OWENS escalated his false report of knife threat to seek
14 domestic violence restraining orders. Judge Lynn Duryee granted
15 the request despite her fiduciary conflict of interest as her
16 Husband's Law Firm represented Defendant. DURYEE issues Domestic
Violence Restraining Order (DVTRO) in conflict of interest as
her husband's law firm represented Defendant, OWENS.

17 85. Judge Lynn Duryee recused herself after issuing the false
18 DVTRO, wherefore, DIOP brought to Commissioner Beverly Wood's
19 attention her request to vacate Judge Lynn Duryee's void orders.
20 This stirred quite an anger from Commissioner Beverly Wood,
whose friendship with Judge Duryee stems from their husband co-
ownership of Freitas.

21 86. Naturally WOOD refused to perform the very judicial acts that
22 she assumed. Although she forcefully remained in the case
23 despite various violations, it turned out that her stranglehold
24 of the case was merely to fervently continue to favorably
25 adjudicate for Defendant Richard Meredith Owens. WOOD's
impartiality stems from her fiduciary interest in the FREITAS
26 law firm where both her husband and Judge Lynn Duryee are
partners. Hence, WOOD refused remedy the fact that OWENS misled
27 DURYEE into granting his request for DVTRO that illegally
evicted DIOP and her son from the family residence into

28

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1 homelessness while preventing DIOP from leaving the State of
2 California with her son.

3 **CONTINUOUS CIVIL RIGHTS VIOLATIONS OF STATUTORY AND CONSTITUTIONAL**
4 **DUE PROCESS RIGHTS UNDER THE 5th and 14th AMENDMENTS**

5 COUNT 1: Conspiracy to Deprive DIOP's Civil Rights Through Falsely
6 Assumed Jurisdiction Upon the Concealment of Fiduciary Interests

7 87. Judge Lynn Duryee's Husband is a co-owner of Freitas,
8 McCarthy, McMahon Law Firm. This firm's attorney, Alexandra
9 Quam, Esq. represented Defendant Richard Meredith Owens in our
10 Family Law Case: FL064080 at the Marin County Superior Court.
11 Judge Lynn Duryee issued of a domestic violence restraining
12 order against DIOP while her husband's Law Firm, through its
13 attorney Alexandra Quam, represented Defendant, Richard Meredith
14 Owens. Judge Lynn Duryee failed to disclose her fiduciary
15 interests prior to issuing the orders, granting the Domestic
16 Violence Restraining Orders, which included the illegal eviction
17 of DIOP and her minor son from the Family residence and into
18 homelessness. Judge Lynn Duryee failed to disclose her fiduciary
19 conflict of interests and to disqualify herself ahead of her
20 favorable adjudication for her husband's client. As such, she
21 violated the Code of Judicial Conduct issues Domestic Violence
22 Restraining Order (DVTRO) in conflict of interest as her
23 husband's law firm represented Defendant, RICHARD MEREDITH
24 OWENS.

18 **HUMAN RIGHTS VIOLATIONS**

19 **WRONGFUL INTERFERENCE WITH ECONOMIC ADVANTAGE,**

20 88. DIOP graduated from New York University, Magna cum Laude. As a
21 direct result of Judge DURYEE's issuance of a false domestic
22 violence restraining order to Defendant, DIOP was forced out of
23 the family residence into homeless shelters. DIOP was thereby
24 cut from her employment searches and trusted in homeless
25 shelters, while forbidding her from leaving the State of
26 California.

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COUNT 1: VIOLATION OF JUDICIAL OATH THROUGH VIOLATION OF DISQUALIFICATION RULES REQUIRING DISCLOSURE OF FIDUCIARY CONFLICT OF INTEREST.

89. Judge DURYEE's void orders have illegally set the stage for the multiple violations against DIOP. Judge DURYEE favored OWENS in concealment of Fiduciary conflict of interest with attorney Alexandra Quam who represented Defendant Richard Meredith Owens a client of the Freitas, McCarthy, McMahon where Judge DURYEE's husband is a partner.

DECLARATORY RELIEF AGAINST DURYEE VOID ORDER IN CONFLICT OF INTEREST

\$455. Disqualification of justice, judge or magistrate judge

a. Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

b. He shall also disqualify

c. (4) He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

d. (5) He or his spouse, or a person within the third degree of relationship to either of them, or a spouse of such a person:

e. (i) is a party to the proceeding, or an officer, director, or trustee of a party;

f. (ii) is acting as a lawyer in the proceeding;

g. (iii) is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

h. (iv) is to the judge's knowledge likely to be material witness in the proceeding

i. A judge should inform...

90. Despite all the above guidelines, neither Judge DURYEE whose husband is a partner at FREITAS, nor OWENS's who was working for FREITAS raised their known conflict of Interest before the issuance of the DVTRO that threw DIOP and her 16 months old son out of the family residence and into homeless shelters, namely the Homeward Bound and the Marin Abused Women

1 FAILURE TO ACT WITH INTEGRITY AS OFFICER OF THE COURT, TO DISCLOSE
 2 CONFLICT OF INTEREST, CONSPIRACY TO SEEK FAVORABLE RULING FROM
 3 JUDGE DURYEE DOUBLING AS EMPLOYER'S WIFE. DUTY TO DISCLOSE ILLEGAL
 4 FACTS TO PROTECT DIOP'S RIGHTS TO DISQUALIFY CONFLICTED JUDICIARY,
 5 CONSPIRACY TO DEPRIVE DIOP OF PEACEFUL OCCUPANCY OF HOUSE; RICO
 6 BENEFITING FORMER FREITAS EMPLOYEE PROMOTED IN COURT POSITIONS TO
 7 PERPETRATE THE MONOPOLISTIC FREITAS PRESENCE IN THE COURT.

8 91. ALEXANDRA QUAM, FORMER FREITAS ATTORNEY AND FAMILY LAW
 9 FACILITATOR. ALEXANDRA QUAM, ESQ. who represented RICHARD
 10 MEREDITH OWENS, with DURYEE, presiding, worked for DURYEE'S
 11 husband's law firm: FREITAS MCCARTHY McMAHON (FREITAS). DURYEE
 12 failed to disclose her fiduciary conflict of interest with
 13 FREITAS before issuing the DVTRO against DIOP that deprived her
 14 of the peaceful occupancy of the family residence into
 15 homelessness with her then 16 month old son (EXHIBIT --). QUAM,
 16 ESQ. failed to disclose her conflict of interest with DURYEE
 17 when she appeared for OWENS while working for DURYEE's husband's
 18 law firm: FREITAS.

19 92. Per OWENS, QUAM counseled him to evict DIOP and her 16 months
 20 old son before appearing with OWENS in Judge DURYEE's courtroom
 21 to obtain a DVTRO knowing that her request would be granted
 22 because she worked for Judge DURYEE's husband's law firm:
 23 FREITAS. As such, QUAM, ESQ. failed to adhere to the code of
 24 Ethical Conduct.

25 93. QUAM was subsequently promoted as the MARIN COUNTY FAMILY LAW
 26 FACILITATOR, owing to her ties with the FREITAS law firm, which
 27 maintains a monopolistic position in the MARIN COUNTY SUPERIOR
 28 COURT. As such, DIOP is precluded from benefiting from the
 center's assistance to low income people since various judicial
 officers, especially, WOOD and HEUBACH refused to adhere to
 family law code section 2030 and 2032 to order OWENS to pay
 DIOP's attorney fees

22 DEFAMATION

23 94. The Defendants individually and their official capacity
 24 perpetrated various acts that illegally tarnishes DIOP's record
 25 both for the false arrest and even worse, blacklisting in child
 26 abuse central index. These character assassination against DIOP
 27 have no legal basis except to prevent DIOP from shedding light
 28 on their collusive abuses.

to go beyond the 15th." (EXHIBIT 87).

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**SELECTIVE APPLICATION OF PROSECUTORY TOOLS TO FALSELY INCRIMINATE
DIOP WHILE FAILING TO PROSECUTE OWENS'S BLATANT AND REPEATED CRIMES**

95. Whereas the MVPD AND MCDA prosecuted DIOP over OWENS's rekindled false accusations of domestic violence, the DA remained unwilling to prosecute OWENS for anything, be it assault and battery upon DIOP and the minor child, trespassing with breaking and entering, child kidnapping, domestic violence, Misdemeanor PC 148.5 for falsely accusing DIOP of threatening to kill him with a kitchen knife. DIOP highlighted various failures to prosecute OWENS whether for his crimes against DIOP or the child. MCHHS for its failure to blacklist OWENS for his multiple child sexual and physical abuses or over DIOP, while blacklisting DIOP upon taking OWENS's parodied false assault allegations against DIOP at face value.

INITIAL DISCLOSURES REGARDING DIOP'S COMPLAINT FOR CONTINUOUS CIVIL
RIGHT VIOLATIONS GIVING RISE TO NEW DEFENDANTS AND CAUSES OF
ACTIONS SUCH AS RICO UPON LEAVE FROM THE COURT TO AMEND OR BETTER
YET TO FILE A NEW COMPLAINT THROUGH COMPETENT ATTORNEY AND
CONSOLIDATE IT TO THIS COMPLAINT AS DIOP AIMS AT THIS POINT TO
SIMPLY INFORM THE COURT OF INTERVENING PERTINENT ISSUES

**CONSPIRACY TO DEPRIVE OF CIVIL RIGHTS THROUGH PURELY PRIVATE
FRAUDULENT CONDUCTS AND MALICIOUS TACTICS SECTION 1985(3)**

96. DIOP has a valid defense against the Dismissal of her related civil complaint and provides the information contained in her application to vacate the dismissal order, reinstate her civil lawsuit with leave for further proceedings, and reschedule a new jury trial. The dismissal order is void due to fraud on the court including CHERNUS's participation in the fraud through conspiracy in conflict of interest.

ABUSE OF CUSTODY PROCEEDINGS TO SABOTAGE DIOP'S CIVIL CASE

97. These are the governing status quo by which WOOD prejudicially continues to maintain a stranglehold in the custody case. Most recently, as OWENS continued to solicit her support against a civil complaint that DIOP had filed against him for his tortuous acts, WOOD manipulated her previous vacation orders to match OWENS's suggestion that this force DIOP, who had been hospitalized in New York and undergoing follow-up treatments to return to MARIN if she wanted to spend he summer vacations that WOOD initially ordered to take place in New York. KAUFFMAN, ESQ. alerted the court that WOOD's ordered could be viewed as a

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manipulation of Civil proceedings. In fact, this did authorize OWENS's attorneys to fraudulently set in place various false accusations that they served DIOP with deposition notices and interrogatories for which they sought various ex-parte requests to compel or for sanctions in DIOP's absence in order to fraudulently dismiss the civil jury trial that was set for September 3, 2013.

CONSPIRACY WITH OWENS'S COUNSEL TO INTERFERE WITH DIOP'S CIVIL CASE

98. It is noteworthy here given that DIOP included her civil complaint to her Federal complaint that DIOP seeks this court's equitable power to reinstate DIOP's Civil Complaint because the Civil court lacked jurisdiction in issuing the underpinning order granting reopening of discovery 3 months before trial without due process to DIOP. Thus, the court should proceed with the continuity alleged in this complaint sharing causes of actions cited in the civil action.

CONSPIRACY FROM DON LESSER, ESQ.

99. By mean of a quick background, Opposing Counsels notified DIOP's attorney of their ex-parte request to reopen discovery after DIOP provided a substitution of attorney to represent herself. The attorney failed to alert DIOP of the ex-parte proceeding and scheduled a date that he knew directly conflicted with DIOP's availability (**EXHIBIT --**). Lesser's implication denotes OWENS's bribery ever since he started appearing ex-parte without notifying DIOP and continuing to do so over DIOP's request.

CERNUS'S ORDER REOPENING DISCOVERY WAS OUT OF JURISDICTION FOR FAILURE TO SERVE DIOP AND TIMELY NOTIFY HER OF THE PROCEEDINGS

100. Hence, DIOP could not oppose the motion on a shortened time that she was not aware of. To cure this service deficiency, Opposing Counsels mailed a notice to DIOP of non-opposition of their motion, that they did not include in the correspondence. In reality they also knew that DIOP would be unavailable on the day they set in court as this was the date that they requested to reschedule a settlement conference and DIOP told to her attorney that she would be unavailable. Hence, DIOP rushed to the hearing without any information or adequate notice to defend against the action in violation of her Due Process: "required statutory provision for notice and hearing. It has been held that the statute itself must provide for notice and hearing, and

1 that the absence thereof is not cured by extraofficial or casual
2 notice, or a hearing granted as a matter of discretion"
(Adequate notice and hearing [\$658])".

3 101. Judge CHERNUS's convenient granting of the motion reopening
4 discovery should fail either through his own correction of his
5 error or through collateral attack. To the extent that it was
6 improperly used to subsequently dismiss the civil case
7 underpinning the continuity of this action, DIOP seeks the
8 court's equitable power to not strip the present complaint of
elements contained in the civil lawsuit and to Stay the present
action as necessary in time for a reinstatement of DIOP's
related civil case CIV 085835.

9 **LESSER'S INNEFFECTIVE ASSISTANCE IN REFUSING TO SEVER THE CAUSES OF**
10 **ACTIONS AS REQUESTED AND ATTACH THEM TO DIOP'S FEDERAL COMPLAINT**

11 102. In fact, to avoid prejudice, DIOP had requested her former
12 civil attorney to sever those causes of actions from the civil
13 case and consolidate those with the Federal case (**EXHIBIT--**).
14 However, this request fall on deaf ears as he was more concerned
15 about coaxing DIOP to simply dismiss them herself in par with
OWENS's demand upon apparently buying out the attorney as he
said he would if DIOP did not want to deal with him and drop her
attorney.

16 **LESSER'S CONSPIRACY TO SABOTAGE DIOP'S CIVIL LAWSUIT UPON FAILING TO**
17 **TIMELY FILE MOTION TO SEVER AND MAKING LAST-MINUTE THREATS TO DROP**
18 **OUT OF THE CIVIL CASE UNLESS DIOP DISMISSES THE CAUSES OF ACTIONS**
GIVING RISE TO DEFENDANTS' CONTINUOUS CIVIL RIGHT VIOLATIONS

19 103. LESSER never mentioned the ex-parte request over discovery and
20 unilaterally appeared on behalf of DIOP without notice to DIOP,
21 even after she provided to him the substitution of attorney that
22 he demanded at the wake of trial. LESSER treated to drop out
23 if DIOP refused to drop her Federal lawsuit and all civil causes
24 of actions other than the Herpes case against OWENS (CIV085835).
25 Lesser than allegedly casually informed DIOP about his
26 unilateral ex-parte appearance via email that DIOP did not
27 receive. LESSER violated the rule that he must obtain DIOP's
28 approval before serving her anything via email. LESSER failed to
give a courtesy phone call to DIOP alerting her of emailing her
time-sensitive documents. Lesser agreed to schedule the response
date on the very day that both he and Opposing Counsels knew
that DIOP previously stated her unavailability ahead of the
discovery proceedings.

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AAA ATTORNEYS SLAPP SUIT WITHOUT ANY COMPANY LIABILITY CALCULATED TO OBSTRUCT THE JURY TRIAL THROUGH ILLEGAL DISCOVERY ORDERS

ABUSE OF DISCOVERY TO HARASS DIOP AND SABOTAGE THE JURY TRIAL SET 3 MONTHS AWAY.

OPPOSING COUNSELS ATTEMPTED TO CURE THEIR UNNOTICED MOTION THROUGH FALSE REPRESENTATION THAT IT WAS AN UNNOPOSED MOTION

104. A couple days before the June 5, 2013 hearing, Opposing Counsel's sent to DIOP a notice of unopposed motion to reopen discovery still without serving DIOP with their initial motion or the ensuing order. The jurisdictional defects could not be cured this way as DIOP walked to the hearing without due process knowledge of what was pleaded in the moving papers. Opposing Counsels abused the discovery with the complicity of CHERNUS. According to LESSER, Opposing Counsels were not accepting liability for any part of DIOP's complaint, wherefore, AAA insurance only provided the attorneys for the purpose of forming a collusive deterrent SLAPP action to undermine DIOP's claim. Contiguously OWENS said he would buy out LESSER if DIOP did not want his low settlement offer from all his tortuous acts and willful HERPES transmission to DIOP. OWENS admitted in writing to have contracted the incurable illness through "a rich socialite girlfriend".

JUDGE CHERNUS LACKED JURISDICTION TO ISSUE THE BLANKET DISCOVERY ORDER WITHOUT STATUTORY AND CONSTITUTIONAL DUE PROCESS REQUISITES AND SUBJECT TO BE VACATED UNDER FEDERAL RULE 60

105. The evidences include and are not limited to the following: DIOP's medical record showing opposing party OWENS and his attorneys' violation of Rule 3.3 (Candor Towards the Tribunal) which requires the following:

Opposing Counsels, Stuart Gilliam (GILLIAM), Thomas Gelini, (GELINI), Russell Marne (MARNE), concealment of material fact or law to the tribunal

OWENS fails to disclose a material fact and knowingly makes false statements.

GILLIAM and GELINI offer evidence known to be false by omission of material fact concerning DIOP.

Judge Paul Hakeenson hired Freitas McCarthy law firm for his

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1 retention election such that he immediately granted the first of
2 Opposing Counsel's disingenuous so-called discovery compliance
enforcement in DIOP's absence.

3 Opposition knew about DIOP's illness and either chose to disparage
4 her or to proceed upon concealing DIOP's illness "Rapleya v.
Campbell CCP 473(b) attorney error.

5 Opposition " shall not disregard the right of the opposing party or
6 counsel stated discovery abuse ".

7 Record of Family Law Proceedings confirming that Defendant Richard
8 Meredith Owens was aware of DIOP's illness and out-of-state
location

9 DIOP's Mother's Affidavit showing her disclosure of DIOP's illness
10 to the Defendant Richard Meredith Owens, to his Attorneys, to the
11 Court Clerk whom told her that the case will not proceed with DIOP,
among other pertinent testimonies.

12 Declaration of Barbara Kauffman, Esq. DIOP's Family Law Attorney,
13 who notified OWENS's attorney Russell Marne about DIOP's illness.

14 DIOP's request for a Mea Culpa Declaration from her former Counsel
15 regarding his mistake, inadvertence, excusable neglect, or other
16 reasons resulting in his scheduling responsive declarations in
direct conflict with DIOP's known unavailability.

17 Former Counsel's failure to give prompt attention to DIOP's
18 suggestion for a motion to sever the Civil right components of
DIOP's civil complaint and consolidate those with the Federal
19 Complaint to avoid prejudice and alleviate Counsel's load.

20 Former Judicial Officer's statement denying Opposing Counsel,
21 MARNE's attempts to disparage DIOP's complaint to shy away from
trial.

22 Disqualification request against Judge Chernus including his non-
23 disclosed acquaintance with Russell Marne to whom he returned
24 favors owing to Marne's endorsement in the news paper.

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26
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28

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DIOP's Mother's call to Stuart Gilliam advising of DIOP's illness and follow-up medical treatments in New York, and local contact information whereas Gilliam allegedly and illegally continued to contact Diop in her Marin contact information to feign that he could not reach DIOP ahead of seeking illegal ex-parte orders.

DIOP's Mother's call to CHERNUS's secretary advising of DIOP's illness and follow-up medical treatments in New York, wherefore he asserted that the case will not move forward without the parties being present

**CONSPIRACY AND FRAUD ON THE COURT TO ISSUE ILLEGAL ORDERS
CALUCULATED OVEREXTENT THE COUT'S ILLEGAL JURISDICTION THROUGH
IMPEDIMENTS OF DIOP'S HUMAN RIGHTS AND FREEDOM**

106. Defendant VERNA ADAMS, MARIN COUNTY SUPERIOR COURT JUDGE and INDIVIDUALLY, hereinafter(ADAMS) is cited for her violation of DIOP's due process rights hosting illegal ex-parte hearing for OWENS related in DIOP and KAUFFMAN's statements of disqualifications.

107. ADAMS was privy to OWENS's false police report that DIOP came at him with a knife as she presided at trial when DIOP's attorney, Barbara Kauffman obtained OWENS's judicial admission that he lied about DIOP threatening to kill him with a kitchen knife (EXHIBIT 23: trial transcripts showing OWENS's judicial admissions of perjury false police report of domestic violence to MVPD, and ensuing perjury in seeking a false DVTRO from DURYEE based in his false police report.

108. In excusing these perjuries, ADAMS facilitated OWENS's further perjury leading to DIOP's false arrest. ADAMS failed to grant DIOP's previous requests for restraining order (DVTRO) and dissolved another one that Commissioner Randolph Heubach issues based on his eye witnessing OWENS's aggressive try in court (EXHIBIT --).

MALICIOUS PROSECUTION AND ABUSE OF PROCESS

109. ADAMS's disingenuous trial order was an illegal extrajudicial scheme calculated to overextend DURYEE's illegally conferred jurisdiction through a false DVTRO for OWENS, her husband's lawfirm's client.

110. ADAMS failed to abide by disqualification rules when she ordered DIOP, a pro per litigant, to report to WOOD's courtroom where, through legal treachery that DIOP was unaware of. ADAMS

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1 designated WOOD to maintained a stranglehold in DIOP's custody
2 case to carry out the legal torch (or more appropriately
3 treachery). ADAMS was supposed to alert the presiding judge
4 upon receiving DIOP's statement of disqualification. Instead she
5 had illegal ex-parte communication with WOOD and attempted to
6 misrepresent that she did not. Wood carried out favoritism and
7 bias against DIOP.

8
9 **ADMINISTRATIVE MALFEASANCE THROUGH THE LEGITIMIXATION OF DR. WU'S**
10 **FRIVOLOUS CHANGE OF RECOMMENDATIONS DESPITE TRIAL EVIDENCES**
11 **DISPORVING WU'S TWO CONTENTIONS FOR DRASTICALLY ALTERING HER**
12 **REPORTS**

13 111. ADAMS was aware of the recommending mediator, Dr. Gloria Wu's
14 mishandling of DIOP's case in her capacity as a recommending
15 mediator for the court. ADAMS was privy to Dr. Wu's errors in
16 her sudden change of recommendation to favor OWENS when he hired
17 the chair person of the Marin County Bar Association, Family Law
18 Division as his lawyer. ADAMS heard Wu's testimony of
19 malfeasance first hand as she forced DIOP to represent herself
20 in the first 4 days of a multiple-day trial because she only
21 awarded an insufficient \$5,000 retainer that attorneys rejected.
22 Hence, DIOP had to examine Dr. WU at trial, which continues to
23 cause WU's retaliations against DIOP.

24 112. KAUFFMAN, Esq. stepped in emergency to assist DIOP through this
25 legal ordeal thereby facing ADAMS's quintessential personal rift
26 against her. Hence, ADAMS remained mostly numb to the
27 substantial evidence disproving WU's recommendation regarding
28 the two points that she used to drastically modify her second
favorable full custody recommendation for DIOP. Among the
relevant trial exhibits, Adams witnessed OWENS violating a
custodial order trifold against OWENS having Rahman that day,
any overnight visit with Rahman, or taking him on the boat
(EXHIBIT---). Sausalito Police report upon fetching the child
from OWENS's boat and establishing that OWENS had not been
maintaining a land-based housing. OWENS trial testimony that he
had a sick Rahman hanging around and taking naps in his car
seat; testimony from the landlord that rented a room to Owens
that he did not use.

113. Also defeating WU's flip-flopping recommendation was the fact
that through Martin Blinder expert testimony and Attorney
KAUFFMAN's investigation that OWENS was not properly filing out
his prescriptions and therefore non-complaint with his medical
regimen, ADAMS concluded through a ludicrous and paradoxical

1 ruling: OWENS was not fit to have a single overnight but to
 2 maintain a stranglehold against DIOP, ADAMS also mad a caveat
 3 that if DIOP moved away then OWENS would be suddenly fit to have
 full custody.

4 **TAMPERING WITH EVIDENCE TO YIELD DESIRED PREJUDICIAL RULINGS**

5 114. ADAMS manipulated rule of evidences depending on the result she
 6 sought as Barbara Kauffman showed in connection with the expert
 7 evidences she excluded in Yupa Asuwassuksant's case while taking
 8 in police reports in DIOP's case merely because the Mediator had
 9 reviewed those (**EXHIBIT---**). ADAMS ruled that OWENS's bipolar
 10 disorder was not under check as he wanted to court to believe.
 11 Added to the Sausalito Police report, ADAMS witnessed that both
 12 WU's contentions for suddenjly changing her recommendation that
 DIOP gets full custody to a shared custody were sham. Yet, ADAMS
 ruled incongruously that the child could not spend a single
 overnight with OWENS who is mentally ill, however she showed
 that she only aimed to keep DIOP illegally in MARIN in ruling
 that OWENS would have full custody is she moved.

13 **DR. GLORIA WU, FAMILY COURT SERVICES MEDIATOR AND INDIVIDUALLY**
 14 **NEGLECTFULLY ISSUED THREE CUSTODY RECOMMENDATIONS IN A SHORT SPAN**
 15 **IN VIOLATION OF HER DUTY OF CARE, PROFESSIONAL ETHICS, THROUGH FRAUD**
 16 **AND CONFLICT OF INTEREST WITH BAR ASSOCIATION CHAIR BETH JORDAN**
DOUBLING AS OWENS'S TRIAL ATTORNEY

17 115. Additionally, as OWENS requested full child custody in
 18 pleadings referencing to the present federal complaint including
 19 co-Defendants WOOD and recommending mediator WU, retaliations
 20 have already taken place and are likely to continue thereby
 needing this court's equitable injunction to change venue as
 various other officers are cited in this complaint.

21 **NEGLIGENT AND DELIBERATE FAILURE TO CONDUCT INVESTIGATION BEFORE**
 22 **ISSUING CUSTODY RECOMMENDATIONS**

23 116. WU, a recommending mediation at the Marin County Superior Court
 24 committed multiple detrimental administrative malfeasance that
 25 DIOP unveiled when she examined her, as a Pro Per, at a child
 26 custody trial. WU excluded DIOP from her initial erroneous
 27 custody recommendation while DIOP became homeless upon OWENS
 28 illegally evicting her and her son from the family residence
 through a false claim of domestic violence against him when DIOP
 called 911. WU then corrected her recommendation upon
 interviewing DIOP to recommend that she regains full custody.

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**WU'S NEGLIGENT ALTERATION OF SOLE CUSTODY RECOMMENDATION TO DIOP
UPON HER COMPLICITY IN CONFLICT OF INTEREST WITH OWENS'S LAWYER
DOUBLING AS MARIN COUNTY BAR ASSOCIATION FAMILY LAW DIVISION CHAIR**

117. As OWENS continued to use WU's disparaging first recommendation, DIOP examined WU at trial and obtained her confessions of improperly investigating the case before her first recommendation. This was recipe for further retaliations against WU as DIOP's complaints to her manager and the court were ignored or improperly disposed of so that WU can simply say that the matter had been adjudicated.

WU's deliberate sudden changed her favorable corrected recommendation that DIOP regains full custody to rest abolish joint custody was frivolous and merely due to OWENS's new attorney, Beth Jordan. At trial Wu asserted that she changed her recommendation a third time because father had addressed two major concerns: treating his bipolar disorder and finding land-based housed.

118. Both of these claims were disproved at trial when OWENS violated the court order to not take Rahman on board his boat. The Sausalito police fetched the child from Owens's boat in the midst of the trial and discovered that OWENS who rented a room actually spent his time on the boat with the child when he is not letting him have naps at the back seat of his car (EXHIBIT 27). As for OWENS's bipolar disorder for over 25 years, ADAMS concluded that OWENS was not managing it when DIOP's attorney established those evidences where WU had prejudged OWENS's mental stability.

**CONSPIRACY BETWEEN ADAMS, WU, JORDAN TO ISSUE PREJUDICIAL ORDERS TO
PERPETUATE THE COURT'S LACK OF JURISDICTION AND ILLEGALLY SUBJECT
DIOP TO UNNECESSARY PROCESSES**

119. Notwithstanding Wu's illegall alteration of her recomendation without valid reasons in conflict of interest with JORDAN, ADAMS maliciously forced DIOP to remain in California, thereby building on the initial illegal restraining order that OWENS obtained from DURYEE to both throw DIOP and her son into homelessness and prevent them for relocating.

RETALIATIONS

120. Dr. Wu's retaliatory practices consisting of maintaining the status quo against DIOP are far-reaching. In connection with

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1 DIOP's false arrest, Dr. Wu failed to refer to OWENS's known
 2 perjury who showed to her fabricated picture allegedly about the
 3 incident he falsely reported to police that DIOP threatened to
 kill him with a kitchen knife.

4 121. Dr. Wu however only recommended to maintain the status quo of
 5 Rahman being in the temporary custody of OWENS, pending the
 6 criminal proceedings. As such, Dr. WU was essentially hoping for
 7 the Damocles sword to fall on DIOP as WOOD staged DIOP's
 possible incarceration in erecting all the red flags against
 DIOP: 3 years restraining order without any hearing in
 opposition and ankle bracelet.

8 **OWENS SOLICITS WU'S RETALIATION UPON RECEIVING THE FEDERAL**
 9 **COMPLAINT**

10 122. It is noteworthy that Richard Owens previously solicited
 11 Family Court Services' involvement through illegal ex-parte
 12 communication. Ms. Kauffman inquired about the irregularities
 13 surrounding the mediation referral and questioned the
 14 impropriety of the mediation where DIOP has complained about Dr.
 Wu and subsequently listed her amongst the Defendants in the
 present Federal Complaint (**EXHIBIT---**).

15 **BETH JORDAN, ESQ., FORMER MARIN COUNTY BAR ASSOCIATION CHAIR OF THE**
 16 **FAMILY LAW DIVISION DOUBLING AS OWENS'S CHILD CUSTODY ATTORNEY**

17 123. JORDAN uses her clout as the Chair person of the Marin County
 18 Bar Association's Family Law Division to obtain a hasty change
 19 of recommendation for OWENS whom she represented at trial
 20 against DIOP, whom ADAMS forced to be in Pro Per for the first 4
 21 days of trial. KAUFFMAN related a conflict of interest between
 JORDAN and WU that suggests favoritism and subordination of
 child welfare to personal conflicts of interests.

22 **RANDOLPH HEUBACH ILLEGALLY CARRIED WOOD'S MISSION THROUGH ILLEGAL**
 23 **RELIANCE ON HER DEFAMATORY ORDERS AND EX-PARTE CONSULTATION WITH**
 24 **WOOD FAILING TO ASSUME HIS JUDICIAL ROLE RATHER THAN MIRRORING**
 25 **WOOD'S PREJUDICIAL ORDERS**

26 124. HEUBACH is responsible for carrying out WOOD's plans for
 27 character assassination against DIOP. After he inherited the
 child custody case from WOOD, he implemented her attempt to
 depict DIOP a parent alienator. Wood had prejudged all abuse

28

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1 cases against OWENS as unfounded upon obstructing justice at
2 various junctures to sabotage the examination of child
protective services at a DVTRO trial.

3 125. HEUBACH was fully aware of OWENS's wrath at the hearing such
4 that he failed to apply any precautionary measure for DIOP to be
5 present at the hearing just 5 days after his adverse custodial
6 order when OWENS seeks temporary full custody after he had DIOP
7 arrested. Instead, HEUBACH misrepresented that he tried to get
DIOP at the hearing to no avail, which was not the truth and
violated DIOP's right to notice and opportunity to be heard
instead of changing custody to OWENS on an ex-parte basis.

8 OBSTRUCTION OF JUSTICE THROUGH FAILURE TO ADHERE TO FAMILY CODE
9 SECTIONS 2030 AND 2032 TO PROVIDE ATTORNEY FEES AND THROUGH
10 MISTREPRESENTATIONS THAT OWENS COULD NOT AFFORD MINOR COUNSEL'S FEE
USURPATING COUNTY MONEY TO COVER FOR OWENS'S LEGAL COSTS

11 126. HEUBACH previously misrepresented that OWENS could not afford
12 any payment towards the minor counsel and made the County Pick
13 up the tab although he knew that OWENS WAS A Multimillionaire
14 and the County was having furlough days to address its financial
deficit.

15 127. HEUBACH, who had inherited the case from WOOD also refused to
16 grant any legal fees to DIOP who remained in Pro Per, through
17 prejudicial custody proceedings in which he transferred custody
18 to OWENS. All the while, HEUBACH ordered that that the Marin
County Courts pick up the tab for the Child Attorney that he
appointed. HEUBACH, falsely asserted that OWENS, whom he knows
19 is wealthy through former child support proceedings that he
presided over, could not afford to pay any of the Child's
20 Attorney fees at a time when the Courts implemented furlough
21 days to cut corners as a result of a supported budget deficit.

22 128. Prior to this, Judge ADAMS also denied DIOP's access to a
23 lawyer as she only ordered a basic \$5,000 for a multiple-day
24 custody trial while most attorneys do not take less than \$10,000
25 retainer merely for regular law and motions proceedings. As
such, DIOP had to represent herself during the first 4 days of a
custody trial, while OWENS paid hefty fees to Beth Jordan, Esq.
his well-connected attorney and then chair of the Marin County
26 Bar Association, Family Law Division. OWENS also retained a
27 well-known Expert, Dr. Margaret Lee. DIOP had to examine her as
well as Dr. WU, the recommending mediator, which reflect a very

28

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1 imbalanced playing field when DIOP is not an attorney and even
2 if she was, she would have nonetheless needed an attorney.

3 **RANDOLPH HEUBACH PERJURY AND MISREPRESENTATION OF FACTS AND**
4 **DEPRIVATION OF DIOP'S CONSTITUTIONAL DUE PROCESS TO NOTICE AND**
5 **OPPORTUNITY TO BE HEARD**

6 129. After multiple illegal acts against DIOP, HEUBACH issued an
7 order giving DIOP primary custody of Rahman Owens when OWENS
8 attempted to alienate DIOP from raising Rahman Owens. However,
9 Four days after HEUBACH gave temporary full custody to OWENS who
10 appeared ex-parte to misrepresent that DIOP committed domestic
11 violence against him and was arrested. OWENS's notice clearly
12 indicates that he is aware that DIOP Was arrested and therefore
13 was not calculated to give her proper notice before securing the
14 drastic order transferring custody.

15 130. While the Marin County Rules of Court requires a party seeking
16 exparte relief to give 24 hours notice before 10 am the previous
17 day, OWENS gave the following notice to DIOP at 9PM: "I will be
18 in court tomorrow morning seeking full custody of Rahman. If you
19 are out of jail by then, you need to appear" **(EXHIBIT--)**. Two
20 days later, DIOP attempted to vacate the illegal order violating
21 her constitutional due process as she was deprived of adequate
22 notice and opportunity to be heard in opposition before the
23 deprivation of her rights.

24 **FRAUD ON THE COURT THROUGH HEUBACH'S MISREPRESENTATION OF FACTS**

25 131. HEUBACH misrepresented:

26 "Rama, in fact I inquired as to whether you could be made
27 available on that day [...] That wasn't possible and it
28 wouldn't have been possible for him to have given you timely
notice of that exparte given the circumstances that brought him
in on Tuesday transpired in the afternoon, Monday afternoon"
(EXHIBIT). HEUBACH's misrepresentation was laid bare upon DIOP
securing the transcript of OWENS's exparte proceeding for
temporary change of custody.

132. HEUBACH knew that DIOP would be available in the afternoon for
arraignment proceedings and that prior to this, the Bailiff
offered to produce Diop later in the day as follows: "" **(EXHIBIT**
65). In reality, there was no emergency since the police had
placed Rahman with OWENS upon falsely arresting DIOP, that OWENS
was privy to the fact that he needn't rush in for. Change of

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1 custody, which he illegally effected by fraudulently placing
 2 DIOP under custody, and that HEUBACH was fully aware of OWENS's
 3 voiced displeasure with his order increasing DIOP's custodial
 4 time four days prior to OWENS's claim that DIOP perpetrated
 5 crime against him to twist HEUBACH's hand and obtain a
 6 diametrically opposed order, the one he unsuccessfully demanded
 7 despite his custodial unfitness.

8 **ARBITRARY EXERCISE OF GOVERNMENT POWERS AND SELECTIVE APPLICATION**
 9 **OF RULES AND PROCEDURES TO INCRIMINATE DIOP WHILE EXONERATING OWENS**
 10

11 133. DIOP's false arrest illustrates the discriminatory practice
 12 and racial profiling against her person. When the minor Child
 13 complained of abuses from OWENS the MCHHS failed to prosecute
 14 Defendant and did not list him in the child abuse central index.
 15 When OWENS perpetrated domestic violence against the DIOP,
 16 Defendant was not referred for severe neglect.

17 134. However, when OWENS complaints of domestic violence from DIOP,
 18 the MCDA promptly criminally prosecuted DIOP and the MCHHS
 19 steadfastly socially blacklisted. MCDA typically rejected all
 20 referrals whether to protect the minor child against OWENS's
 21 crimes, or to prosecute OWENS, when he battered DIOP, violated
 22 standing DVTR, or trespassed and burglarized her home after an
 23 adverse court appearance. Over the years, DIOP endured various
 24 crimes from Owens that she documented, whereas OWENS was given
 25 benefit of doubt and left to further abuse DIOP and the minor
 26 child. MCDA failed to prosecute OWENS for the charges that MVPD
 27 Officer Kollerer classified as 242'PC - Battery upon the child,
 28 Rahman Owens, or battery upon cohabitation against DIOP.
 However, as soon as OWENS accuses DIOP of Battery after she
 called 911 for her protection, the District Attorney unleashed
 multiple criminal prosecutions against DIOP after her release
 from the Marin County Jail causing her continuous extreme
 distress and mounting social prosecutions through the MCHHS
 blacklisting for severe child neglect after the DISTRICT
 ATTORNEY's dismissal of the underlying criminal case.

135. OWENS parodied his unsanctioned false report that DIOP
 threatened to kill him with a kitchen knife when he
 misrepresented the second time that DIOP CALLED 911 against his
 abuse and assaults that DIOP perpetrated domestic violence
 against him. In her Civil complaint against OWENS lodged at the
 MARIN COUNTY SUPERIOR COURT, DIOP forewarned that OWENS's
 unsanctioned crimes could have deprived her of her freedom where

it destabilized her into homelessness. DIOP complained against OWENS's open violation of the CA PC 148.5 predicates to MVPD and received confirmation that the complaint was routed to the DA (EXHIBIT --). DIOP's compilation of multiple counts with supporting inculpatory evidences concerning OWENS's false police report to the Mill Valley Police, to Judge Lynn Duryee, to Recommending Mediator Dr. Gloria Wu fall on deaf ears (EXHIBIT --). The District Attorney failed to take any notice. KAUFFMAN presented within a declaration Re: Safety of Rahman Owens, these crimes to the District Attorney's Officer CHARLES (CHUCK) CACCIARORE. OWENS's abusive acts including his perjury about the kitchen knife violating the CA PC 148.5 predicates. Transcripts of OWENS's judicial admissions excerpted in EXHIBIT are attached hereto (EXHIBIT 89).

TAMPERING OF EVIDENCES AND CONCEALMENTS OF COURT RECORDS IN OBSTRUCTION OF JUSTICE

136. COUNT 1: FAMILY COURTS SERVICES and MARIN COUNTY SUPERIOR COURTS admittedly purged some of DIOP's family law case to obstruct the ordered audit of the Court file. This breaks the fact-finding process against mediation irregularities especially give not that DIOP's case remained active. DIOP took an active role in testimonials in Sacramento leading to the State ordered audits of the Marin County Superior Court. Few months ago, the record Management informed DIOP that they plan to discard some additional files, even though DIOP's case is active. DIOP's request to take the files remained unanswered and when she physically requested those from the record management, she was advised that the purging had already taken place, feigning that DIOP's email did not make it to them.

6. DEMAND FOR RELIEF

WHEREFORE DIOPS pray for judgment as follows:

EQUITABLE RELIEFS

DIOP prays for Injunctive and Declaratory or other Equitable Reliefs as may be appropriate, including but not limited to:

- (a) attorney fees and expenses as authorized by 42 U.S.C. §1988.
- (b) Exoneration from all illegal, Capricious, and Defamatory blacklisting in the Child Abuse Central Index.
- (c) Removal from the Child Abuse Central Index Listing
- (d) Seal and Destroy all records related to the blacklisting in the Child Abuse Central Index including but not limited to the Department of Justice, Marin County Jail, Marin County Sheriff

Emergency request for Disqualification of Defendant Beverly Wood from FL064080; Stay of All Actions pending change of venue outside of Marin County upon filing of third Amended Complaint including other Defendants - CV 12-06332 JSW

Department, Law Enforcement Telecommunication System, Mill Valley Police Reports, Marin County District Attorney, the Marin County Superior Court, The Marin County Health and Human Services, or any known place.

(e) Seal and Destroy all records of arrest from Department of Justice, Marin County Jail, Marin County Sheriff Department, Law Enforcement Telecommunication System, Mill Valley Police Reports, Marin County District Attorney, the Marin County Superior Court, The Marin County Health and Human Services, or any known place.

PUNITIVE DAMAGES

The request is based on various abuses and harassments including but not limited to Fraud, Malice, Oppression, Abuse of Process, Malicious prosecution, Defamation, Intentional infliction of emotional distress, Conspiracy to deprive of civil rights, human rights, rights to peaceful occupancy, freedom from oppression, retaliations, defamations, wrongful interference with parental rights to illegally extent fraudulent jurisdiction through false DVTRO, Conflicts of interest, violations of constitutional and statutory due process.

DIOP seeks punitive damages for the various wrongs that she endured from all Defendants individually and through their respective employers. DIOP requests this relief also as a result of their combined efforts to conspire against DIOP, their intentional infliction of emotional distress, malice, oppression, and fraud.

1. An award of compensatory damages and interest thereon according to proof at trial;

2. An award of reasonable costs and expenses incurred in this action, including counsel fees and expert fees as allowable under the Title 18, 28, and 42 sections asserted;

3. Declaratory, Injunctive, and Prospective Relief as requested including injunctive remedies provided under 42 U.S.C. §§ 1983, 1988, and 18 U.S.C. §§1964 (a), (c), and (d);

4. That The Court exercised its initiative to Order DEFENDANTS be restrained as requested in Prospective Relief Count 1 forthwith, and set hearing for extending such Order during the pendency of this litigation;

5. That a preliminary and permanent injunction be issued enjoining Defendants, and any employees, agents, servants, officers, representatives, directors, attorneys, successors, affiliates, assigns, and entities owned or controlled by Defendants, and all those in active concert or participation with Defendants, and each of them who receives notice directly or otherwise of such injunction from making any further

Emergency request for Disqualification of Defendant Beverly Wood from FL064080; Stay of All Actions pending change of venue outside of Marin County upon filing of third Amended Complaint including other Defendants - CV 12-06332 JSW

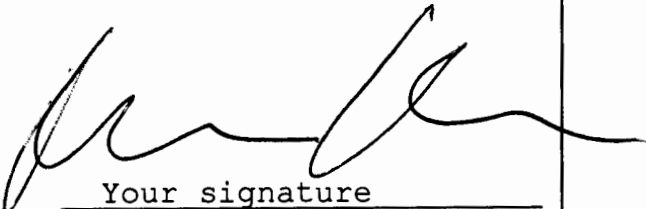
1 misrepresentations as described above; and
2 6. Such other and further relief as the Court may deem just and
proper.

3 **7. DEMAND FOR JURY TRIAL**

4 DIOP hereby demands a jury trial on all issues.

5
6 Respectfully submitted,

7
8 DATED: January 31, 2014



Your signature
RAMA DIOP
In Pro Per

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Emergency request for Disqualification of Defendant Beverly Wood from FL064080;
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Do you need help representing yourself in a federal court case?



Legal Help Center

**450 Golden Gate Avenue, 15th Floor, Room 2796
San Francisco, CA 94102**

If you are representing yourself (or are thinking about filing a case) in the San Francisco or Oakland divisions of the United States District Court for the Northern District of California, you may speak with a lawyer at the Legal Help Center. **There is no fee for this service.** The lawyer can give you:

- information and help you understand the federal court processes and procedures that you need to follow;
- explanations of court orders and other paperwork;
- answers to your legal questions; and
- referrals to appropriate legal, social, and government services.

Not
Good
[Help is provided by appointment only. To make an appointment please call (415) 782-9000, extension 8657.

If you do not speak English or have difficulty with English, please bring someone to your appointment who can translate for you. We can not provide a translator.

If you seek help from the Center, you will still represent yourself. The lawyer at the Center can not be your lawyer.

To obtain Legal Help Center forms, court forms and other information, please visit the court's web page for people representing themselves in federal court:

<https://ecf.cand.uscourts.gov/cand/ProSe/home.htm>

EXHIBIT 1

12 - 12-28 Tuesday 1:30 pm
Do you need help representing
yourself in federal court?

Legal Help Center

450 Golden Gate Avenue, 15th Floor, Room 2796
San Francisco, CA 94102
&
1301 Clay Street, 4th Floor, Room 470 S
Oakland, CA 94612

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The lawyer at the Center can not be your lawyer.

EXHIBIT 2